HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

M.A.C.M.A.No.2013 of 2009

JUDGMENT :

This Civil Miscellaneous Appeal, under Section 173 of the Motor Vehicles Act, 1988 (for brevity "the Act"), is preferred by the appellant - erstwhile A.P. State Road Transport Corporation (for brevity "the Corporation"), challenging the order and decree dated 29.06.2001, passed in O.P.No.434 of 1994 by the Chairman, Motor Accidents Claims Tribunal-cum-Additional District Judge, Mahabubnagar District (for brevity "the Tribunal"), awarding a sum of Rs.2,45,000/- towards compensation with interest at 9% per annum from the date of the petition till the date of realization, as against the claim of 3,50,000/- made by the respondents - petitioners, under Section 166 of the Act, for the death of their son Sri Venkateshwarlu, who is aged about 25 years, working as Sales Commission Agent in Swaraj Tractor Dealers, Anantapur, in a motor accident that occurred on 17.06.1994, mainly on the main ground, *firstly*, that the accident has occasioned due to the rash and negligent driving of Maruti Van, but not on account of negligent driving on the part of the driver of the bus belonging to the Corporation; and *secondly*, that the amount awarded by the Tribunal is highly excessive and arbitrary.

2. The appellant – Corporation herein is respondent and the respondents herein are petitioners in O.P.No.434 of 1994. For the sake of convenience, the parties are referred to as they were arrayed in O.P.No.434 of 1994 before the Tribunal.

3. No representation on either side. Perused the order under challenge and evidence available on record.

4. In fact, the Tribunal has taken the average age of the parents of the deceased as 41 years for the purpose of applying the multiplier factor and accordingly, applied the multiplier '12', perhaps, basing on the decision rendered by this Court in **Bhagwandas v. Mohd. Arif**[1], having taken earnings of the deceased at Rs.2,400/- per month and after deducting 1/3rd towards his personal living expenses, arrived at Rs.1,600/- per month towards contribution to the family and accordingly determined the future loss of estate as Rs.2,30,400/-. Even if 50% of the monthly income is deducted towards personal living expenses, as the deceased died in an unmarried status, the relevant multiplier would be '18', in which case, the future loss of estate would come to more, besides the conventional amounts, to which the petitioners are entitled to. All these put together, the compensation amount, to which the petitioner are entitled to, would workout to equivalent or even slightly more than the amount granted by the Tribunal.

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[1] AIR 1988 AP 99

5. In that view of the matter, certainly, there are no merits in the present appeal and the same deserves to be dismissed.

6. Accordingly, Civil Miscellaneous Appeal is dismissed, confirming the order and decree dated 29.06.2001 passed by the Tribunal in O.P.No.434 of 1994. No order as to costs.

7. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE A. SHANKAR NARAYANA

26.09.2016.
Msr

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