

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

MACMA No.644 OF 2008

JUDGMENT:

The 3rd respondent-Insurer among the three respondents including the driver and owner of the lorry bearing No.AP 20 T 7092 in O.P.No.279 of 2003 filed under Section 166 of the Motor Vehicle Act,1988 (*for short, 'the Act'*) on the file of the learned Chairman of the Motor Accidents Claims Tribunal-cum-District Judge, Karimnagar (*for short, 'Tribunal'*) for compensation of Rs.5,50,000/- filed by the 6 claimants no other than the wife, unmarried major daughter and 4 major sons not dependants of deceased but for the wife and daughter, on contest by the Insurer, from the driver and owner remained *ex parte*, the tribunal awarded compensation of Rs.3,20,000/- with interest at 7.5%p.a. against all the respondents by award dated 29.07.2006; maintained the appeal with the contentions in the grounds of appeal that the compensation is exorbitant and excessive to reduce.

2. The learned counsel for the Insurer-appellant reiterated the same during the course of hearing. Whereas, it is the submission of the learned counsel for the claimants that the award of the tribunal holds good for this Court while sitting in appeal, there is nothing to interfere.

3. Heard and perused the material on record.

4.No doubt, the tribunal taken Rs.4,500/- p.m. with no basis. But as per the expression of the Apex Court in Latha Wadhwa vs.

State of Bihar¹ even there is no proof of income and earnings, it can be reasonably estimated at Rs.3,000/- p.m. for any non-earning member and even for housewife as domestic contribution, and even that is taken and as the accident took place on 27.09.2002, and even from the loss of agricultural supervision even taken Rs.3,200/- p.m. if 1/3rd deducted for all the 4 sons are not the dependents and multiplier 12 adopted from the age about 50 years and added to it loss of consortium even Rs.50,000/-, Rs.25,000/- towards funeral expenses and Rs.10, 000/- towards loss of estate, all it comes to Rs.3,92,296/-. In view of that, there is nothing to interfere with the award of the tribunal for this Court while sitting in appeal.

5. Accordingly and in the result, the appeal is dismissed. No costs. Consequently, pending miscellaneous petitions, if any, in this appeal, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 19.09.2016
Vvr

¹ (2001) 8 SCC 197=AIR 2001 (SC) 3218