

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

M.A.C.M.A.No.4244 of 2008

JUDGMENT:

The 2nd respondent insurer among the two respondents including the owner of the auto bearing No.AP-22-T-5928, maintained the appeal impugning the award of the Tribunal dated 20.08.2007 in O.P.No.523 of 2003 on the file of Motor Accidents Claims Tribunal-cum-District Judge, Guntur, filed under Sections 166 and 163-A of the Motor Vehicles Act, by the six claimants including 2 major sons among the wife, children and mother of the deceased Inyasaiah aged about 45 years as per Ex.A3-PM report with a salary of Rs.6,456/- per month from Ex.A6 and evidence of PW.2 with date of birth of the deceased September 1958, since awarded compensation of Rs.7,00,000/- as prayed for. Impugning the same maintained the appeal mainly on the quantum of compensation with interest @ 7% per annum.

Heard both sides and perused the material on record and even no notice served on the owner of the vehicle, the insurer submitted that he is not a necessary party and same is recorded.

In fact as per **Sarla Verma Vs. Delhi Transport Corporation**^[1], there are 6 claimants even 2 majors excluded, 4 dependants on the deceased, 1/4th can be deducted towards personal expenses and prospective earnings 30% to be taken and if same is taken what the Tribunal awarded is no way excessive much less to enhance for no cross objections, there is nothing to interfere.

Accordingly and in the result, the appeal is dismissed.

Consequently, miscellaneous petitions, if any shall stand dismissed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 30.08.2016
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^[1] 2009 ACJ 1298