

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

M.A.C.M.A. No.1669 OF 2009

JUDGMENT:

The petitioners in O.P. No.177 of 1995 on the file of the Chairman, Motor Accidents Claims Tribunal-cum-Additional Chief Judge, City Civil Court, Secunderabad (for short, 'the Tribunal') preferred the present appeal under Section 173 of the Motor Vehicles Act, 1988 (for short, 'the Act') mainly on the ground that the Tribunal by the order dated 28.11.1997, though, determined the total compensation at Rs.4,04,200/-, but still, restricted the same to Rs.2,50,000/- as claimed by them under Section 166 of the Act for the death of one Lakdi Penchalaiah in a road accident and, thereby, they sought to modify the order by granting Rs.4,04,200/- as against Rs.2,50,000/- as compensation.

2. The appellants herein, who are the wife and parents of the said Lakdi Penchalaiah, are the petitioners, while respondent Nos.1 and 2 herein, who are the Depot Manager of erstwhile Andhra Pradesh State Road Transport Corporation (for short, 'the Corporation'), Adilabad and Managing Director of the Corporation at RTC 'X' Roads, Hyderabad, are respondent Nos.1 and 2, respectively, in the original petition.

3. For the sake of convenience, the parties

hereinafter referred to as they were arrayed before the Tribunal in the original petition.

4. Heard Sri B.Parameswar Rao, learned counsel for the appellants-petitioners, and Sri N.Vasudeva Reddy, learned Standing Counsel for the respondent-Corporation.

5. The entire fact-situation and the monthly earnings as well as the multiplier factor applied are not in dispute. In which case, the petitioners cannot be deprived of the amount arrived by the Tribunal at Rs.4,04,200/- while determining just and adequate compensation in view of the law declared by the Hon'ble Supreme Court in **Nagappa v. Gurudayal Singh and others**^[1], **Sri Laxman @ Laxman Mourya v. Divisional Manager, Oriental Insurance Company Limited**^[2] and **Rajesh and others v. Rajbir Singh and others**^[3], wherein, it was held that it is the duty of the Courts to award just, equitable, fair and reasonable compensation with reference to the settled principles of law irrespective of the claim made. Even otherwise, a perusal of the order under challenge would show that the Tribunal has rightly taken the monthly income based on reasoning and though, multiplier factor was derived from the decision of this Court in **Bhagwandas v. Mohd. Arif**^[4], still, it is in accordance with the multiplier provided in the table formulated by the

Hon'ble Supreme Court in **Sarla Verma & others v. Delhi Transport Corporation and another**^[5].

6. Thus, the petitioners are entitled to a total sum of Rs.4,04,200/- (Rupees four lakh four thousand and two hundred) determined by the Tribunal as against Rs.2,50,000/- granted by the Tribunal towards compensation and the same is accordingly granted. However, the petitioners are directed to pay Court fee on the excess amount granted by this Court than the claim within a period of three months from today.

7. So far as the rate of interest is concerned, the Tribunal granted the same at 12% per annum and the same is maintained on the amount granted by the Tribunal and the interest at 7.5% per annum is granted on the enhanced amount in view of the decision of the Hon'ble Supreme Court in **Rajesh's** case (supra 3).

8. Accordingly, the instant appeal is allowed modifying the order passed by the Tribunal, by enhancing the compensation, as indicated above, and confirming the same in all other respects. There shall be no order as to costs.

9. As a sequel thereto, miscellaneous applications, if any pending in the instant appeal, stand closed.

A. SHANKAR NARAYANA, J

16th August, 2016

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[\[1\]](#) AIR 2003 SC 674

[\[2\]](#) 2012 ACJ 191 (SC)

[\[3\]](#) 2013ACJ1403 = 2013(4)ALT35

[\[4\]](#) AIR 1988 AP 99

[\[5\]](#) (2009) 6 SCC 121