

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

M.A.C.M.A. M.P No.581 OF 2012

IN/ AND

M.A.C.M.A. No.327 OF 2016

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JUDGMENT:

Heard learned standing counsel for the appellant/ respondent No.3 and learned counsel for respondents/ claimants 1 and 2.

2) The petition is filed to condone the delay of 56 days in filing the appeal and the reasons assigned for the delay is administrative delay in getting the approval to file the appeal. The delay is condoned.

3) The appeal is taken up for hearing and perused the material on record.

4) The appellant—3rd respondent among 3 respondents namely driver, owner and insurer of the milk van bearing No.AP 35 U 5983, filed the present appeal impugning the award passed on 06.06.2011 in M.V.O.P. No.781 of 2009 on the file of Motor Accidents Claims Tribunal (District Court) Vizianagaram District (for short 'the Tribunal') under Section 166 of the Motor Vehicle Act for Rs.3,50,000/- filed by the claimants, no other than parents of the deceased by name Budrapati Pydamma, aged about 18 years and the accident was dated 15.05.2009, granting compensation of Rs.3,42,000/- with interest at 6% per annum from the date of petition till the date of realization.

5) The appeal is filed with the contentions that the Tribunal should have been deducted half of the income towards personal expenses as the deceased is spinster and claimants are her parents as per ***Sarla Verma vs Delhi Transport Corporation***^[1] and the other contention is that the other sums awarded by the Tribunal are unsustainable and the appellant reiterated the same during the course of arguments.

6) In fact in the absence of proof of earnings, as per **Latha Wadhwa vs State of Bihar**^[2], even minimum to be taken at Rs.3,000/- per month and as the accident occurred on 15.05.2009 which is near after 8 years of the expression with proportionate increase Rs.3,700/- per month is to be taken, if half deducted, it comes to Rs.1,850/- and the multiplier applicable, from the age of the mother, is '15', the loss of dependency comes to Rs.3,33,000/- (Rs.1850/- X 12 X 15). Apart from it, Rs.25,000/- towards funeral expenses and Rs.10,000/- towards loss of estate, it comes to Rs.3,68,000/- for which the claimants are entitled to. Hence, what the Tribunal awarded is no way excessive and there is nothing to interfere with the award of the Tribunal but for no cross objections.

7) Accordingly, the appeal is dismissed confirming the award passed by the Tribunal. No order as to costs.

8) Miscellaneous petitions, pending if any in this appeal shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.05.02.2016
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HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

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[\[1\]](#) 2009 ACJ 1298

[\[2\]](#) AIR 2001 SC 3218