

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

M.A.C.M.A. No.253 of 2010

JUDGMENT :

The respondents-APSRTC of the claim petition in O.P.No.189 of 2008 on the file of the Motor Accident Claims Tribunal-cum-III- Additional Chief Judge, City Civil Court, Hyderabad (for short, 'the Tribunal'), maintained by the five claimants, no other than the wife, three minor children and mother of the deceased Yadagiri, aged about 47 years, of the claim under Section 166 of the M.V.Act for Rs.14,00,000/-, since awarded by the Tribunal of Rs.6,87,000/- with interest at 7.5% p.a. on 14.05.2009, maintained the present appeal.

2. Heard and perused the material on record.

3. From the evidence of PW.1, Exs.A.1 to A.25, oral evidence of RW.1, who the driver of the bus of the respondents and from the contest by APSRTC with reference to RW.1 and suggestions of RW.1 and so-called eye witness PW.2, the deceased while proceeding in the motor cycle himself fell down, unable to control having followed the bus, having no fault of the bus driver who stopped the bus, that was not properly appreciated. The Tribunal even taken proceeding in opposite direction, there is contribution of the deceased including from the expression of **Municipal Corporation of Greater Bombay v. Laxman Iyer and another**¹, 20% can be contributed by the deceased and 80% can be contributed on the APSRTC and the multiplier applicable is '13', what the Tribunal is taken only 9.34

¹ 2003 (8) SCC 731

apart from five dependents, 1/4th to be deducted towards personal expenses, but the Tribunal taken 1/3rd towards personal expenses. Apart from that minimum 50,000/- can be taken towards loss of consortium and not Rs.15,000/-, besides Rs,25,000/- towards funeral expenses and Rs.30,000/- towards care and guidance of three minor children. Thereby, what the Tribunal awarded by Rs.6,87,000/-, no way requires interference.

4. Accordingly, the appeal is dismissed.

5. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

7th November 2016.

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Dr. B. SIVA SANKARA RAO, J

