

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

M.A.C.M.A.No.236 of 2010

JUDGMENT:

The 2nd respondent-insurer among two respondents including owner-cum-driver of the lorry bearing No.AP 16T 9329, maintained the appeal impugning the award of the tribunal dated 03.08.2009 in M.V.O.P.No.472 of 2006 maintained by four claimants, no other than the daughter-in-law, major grand children and major daughter of the deceased woman- Pitchamma, aged about 65 years or so in maintaining the claim under Section 163-A of the Motor Vehicles Act, for a compensation of Rs.2,50,000/- since awarded of 1,22,500/- with interest at 6%p.a.,

2. The main contentions are that none of the claimants are dependants on the deceased to award any compensation from the death of the aged woman, who herself in fact a dependant on the claimants with no any earning capacity even and taking of Rs.3,000/- p.m. by the tribunal as earnings instead of notional income of Rs.15,000/- p.a. that too when the claim is maintained under Section 163-A of the Act and Ex.B4-ration card shows the age of the deceased as 70 years with no multiplier practically to take into consideration, hence to set aside the award.

3. Learned counsel for the appellant/insurer reiterated the same.

4. Whereas, it is the submission of the learned counsel for the respondents/ claimants that the award of the tribunal holds good and for this Court while sitting in appeal there is nothing to interfere but for no cross objections to enhance and to dismiss the appeal.

5. Heard and perused the material on record.

6. Even taken from the expression of the Apex Court in *Kishan Gopal v. Lala*¹, minimum Rs.30,000/- p.a. to be taken in place of Rs.15,000/- p.a. including a claim under Section 163 of the Act as per Schedule-II. Once such is the case and from the tribunal arrived the age and taken the multiplier, for this Court, while sitting in appeal, there is nothing to interfere on the quantum of compensation.

7. Accordingly, the appeal is dismissed. There is no order as to costs.

8. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

Dr. B. SIVA SANKARA RAO, J

Date:21.10.2016

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¹ 2014(1)SCC-244