THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

M.A.CMA.No.1912 OF 2009

JUDGMENT:

The erstwhile Andhra Pradesh State Road Transport Corporation, having got aggrieved by the order and decree, dated 27.12.2007, in M.V.O.P.No.895 of 2006 on the file of the Chairman, Motor Accidents Claims Tribunal – cum – III Additional District Judge, Guntur (for short, 'the Tribunal'), preferred the instant appeal on the ground that the compensation of Rs.8,91,216/- awarded by the Tribunal was excessive and arbitrary.

2. Heard Sri C. Prakash Reddy, learned Standing Counsel for the appellant – Corporation, and Sri B. Parameswara Rao, learned counsel for the respondents - claimants.

3. The manner in which the accident had taken place leading to the death of one Amaralingeswara Rao, husband of respondent No.1, incidentally, father of respondent Nos.2 and 3 and son of respondent Nos.4 and 5, is not in dispute between the parties. The only dispute is with regard to the determination of compensation.

4. Perused the order under challenge and the evidence on record.

5. In regard to the negligence attributed to the driver of the R.T.C. bus and the counter allegation that the deceased himself was negligent in driving the Hero Honda motorcycle, since one of the

grounds agitated in the present appeal is to that effect, the Tribunal, analysing the evidence let in by the respondents – claimants, through PW.1, who was actually riding pillion, while her husband – deceased was riding the motorcycle, and the evidence of RWs.1 and 2, recorded a definite finding that due to the rash and negligent driving of the driver of the R.T.C. bus, the accident had taken place. That finding, since, well reasoned and based on appreciation of evidence on record in accordance with the evidentiary rule, does not warrant any interference.

6. Turning to the compensation determined, the Tribunal, having found from the Salary Certificate of the deceased that he was drawing gross salary of Rs.10,663/- per month, net salary being Rs.8,908/- per month, by making 1/3rd deduction therefrom towards his personal living expenses, worked out Rs.71,268/- as contribution of the deceased to the family, and by adopting multiplier '12', as provided in the decision of the Honourable single Judge of this Court in **Bhagwan Das v. Mohd. Arif**[1], worked out the loss of dependency at Rs.8,55,216/-. The Tribunal has also granted Rs.15,000/- towards loss of estate, Rs.3,000/- towards funeral expenses, Rs.3,000/- towards transportation and Rs.15,000/- towards loss of consortium to respondent No.1, thus, making a total of Rs.8,91,216/- with interest at 7.5% per annum.

[1] 1987 ACJ 1052

7. At the outset, it is to be mentioned that the amount of Rs.8,91,216/- awarded by the Tribunal cannot, at all, be construed as excessive or arbitrary in view of the change in legal proposition, in the light of the law declared by the Honourable Supreme Court in **Sarla Verma v. Delhi Transport Corporation**[2] and **Rajesh and others v. Rajbir Singh and others**[3]. In fact, 1/4th deduction is permissible, that too, in the gross salary having given credit to the statutory deductions, but not in the carry home salary, and the multiplier provided in the table formulated in **Sarla Verma's case (supra 2),** which would be '15' for the age group of persons between 36 and 40 years and '14' for the age group of persons between 41 and 45 years, besides the conventional sum, which would be normally Rs.50,000/- under all heads, and future prospects either at 50%, in case, the deceased falls within the age group of 30 and 40, or 30% in case in the age group of 40 and 50, from the loss of dependency, since the deceased was a Government servant working as Stenographer in the office of Director General, Anti Corruption Bureau, Hyderabad, ought to be computed for determining the compensation. Thus, if the compensation is determined on the basis of the aforesaid legal principles, the amount that would work out would far exceed the compensation of Rs.8,91,216/- granted by the Tribunal. Further, the Tribunal has awarded interest at 7.5% per annum, which is also in accordance with

[2] (2009) 6 SCC 121
[3] (2013) 9 SCC 54

the rate of interest awarded by the Honourable Supreme Court in **Rajesh's case (supra 3)**.

8. Thus, when seen from the aforesaid discussion, it has to be held that there is no merit at all in the present appeal. The consequence is, dismissal of appeal.

9. Accordingly, the appeal is dismissed. Miscellaneous Petitions, if any, pending in this appeal, shall stand closed. There shall be no order as to costs.

A. SHANKAR NARAYANA, J

September 02, 2016.
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