

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

M.A.C.M.A. No.1000 OF 2009

JUDGMENT:

The Karnataka State Road Transport Corporation, represented by its Regional Manager, Gulbarga District (for short, 'Corporation'), who is sole-respondent in O.P. No.72 of 2006 on the file of the Chairman, Motor Accidents Claims Tribunal-cum-District Judge, Mahabubnagar (for short, 'the Tribunal'), aggrieved by the order and decree dated 16.08.2007, whereby and whereunder, the Tribunal granted Rs.9,10,000/- with interest at 7.5% per annum as against the claim of Rs.15,00,000/- laid under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act') for the death of one C.Muralidhar Reddy in a road accident, preferred the instant appeal under Section 173 of the Act on the ground that the compensation granted by the Tribunal is very excessive.

2. The appellant herein, who is the owner of the accident vehicle, is the sole-respondent, while respondent Nos.1 to 3 herein, who are wife and parents of the said Muralidhar Reddy, are the petitioners 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. The relevant facts are that the said Muralidhar Reddy (deceased) died in a road accident when a bus, owned by the respondent-Corporation bearing registration No.KA 32/F 1275, hit him while he was driving motorcycle bearing registration No.AP 22K 1275 and proceeding from Koudeed to Kodangal along with petitioner No.1, as the bus was driven by its driver in a rash and negligent manner at high speed. He was immediately shifted to Government Hospital, Kodangal and, from there, he was referred to Nizam Institute of Medical Sciences, Hyderabad and even underwent surgery spending Rs.1,00,000/-, however, he succumbed to the injuries. The petitioners, claiming that the deceased was 27 years old with 31 years of service left earning Rs.7,400/- per month as a Government Teacher, sought a sum of Rs.15,00,000/- as compensation from the respondent-Corporation.

5. Respondent-Corporation has filed counter opposing the claim attributing rash and negligent driving of the deceased himself, finally requesting to dismiss the claim petition.

6. Basing on the said pleadings, the Tribunal framed three issues about the responsibility for the accident.

7. During enquiry, petitioner No.1 examined herself as P.W.1 besides examining one Mamatha Reddy as P.W.2 to prove the salary certificate and marked Exs.A.1 to A.9 to substantiate their claim; whereas, on behalf of the respondent-Corporation, the driver was examined as R.W.1, but no documents were filed.

8. The Tribunal, having recorded all the three issues in favour of the petitioners, granted Rs.9,10,000/- with interest at 7.5% per annum directing the respondent-Corporation to pay the same.

9. It is the aforesaid order which is under challenge in the instant appeal contending in the grounds that the amount of compensation granted by the Tribunal is highly excessive and, therefore, sought to set aside the order under challenge.

10. Heard Sri P.Vinayaka Swamy, learned counsel for the appellant-Corporation, and Sri V.Hanumantha Rao, learned counsel for respondent Nos.1 to 3.

11. Perused the order and evidence on record. It is not in dispute that the deceased was aged 27 years on the date of the accident working as a Secondary Grade Teacher at Bapanikunta. Ex.A.7, marked through P.W.2, would show that the deceased was drawing gross salary of Rs.7,018/- and other relevant particulars as to the

contribution to the general provident fund, etc., and after deduction, he was getting a net salary of Rs.6,208/-. The Tribunal has taken net salary and deducted 1/3rd therefrom towards personal expenses and taken contribution of the deceased to the family as Rs.4,139/- per month and Rs.49,668/- per annum and applying multiplier '17.68' arrived at Rs.8,78,130/-, towards loss of dependency, besides granting Rs.15,000/- towards consortium and another Rs.15,000/- towards loss of estate and Rs.1,870/- towards funeral expenses. Thus, a total sum of Rs.9,10,000/- was granted by the Tribunal towards compensation with interest at 7.5% per annum.

12. In fact, the law declared by the Hon'ble Supreme Court in recent pronouncements is to the effect that it is not the carry home salary or net salary that has to be taken into account while determining the compensation, but the gross salary minus standard deductions. Further, the petitioners are additionally entitled to future prospects @ 15%, 30% and 50% of the loss of dependency arrived at if the death takes place in the age groups of 50 to 60, 40 to 50 and 30 to 40 years, respectively. Thus, when viewed these circumstances, certainly, Rs.9,10,000/- granted by the Tribunal cannot be construed as excessive or arbitrary. Therefore, there is absolutely no merit in the appeal.

13. Accordingly, the instant appeal is dismissed

confirming the order under challenge passed by the Tribunal in all respects. There shall be no order as to costs.

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

A. SHANKAR NARAYANA, J

11th August, 2016

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