THE HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

MACMA No.655 OF 2009

JUDGMENT:

Heard the counsel for the appellant/ insurer, the counsel for the claimants/respondent 1 and 2, the counsel for the owner of the truck bearing No.GJ 1 AT 9258/respondent No.4 and its insurer/ respondent No.5 and also the counsel for the owner of the truck bearing No.AP 16 Y 4246/ R.3 insured with the appellant, notice returned unserved, they did not file any separate appeal and they are claimed as no way necessary parties so far as 50% liability on the insurer impugned herein concerned.

02. In fact, the Tribunal gave finding against the appellant/ insurer and the owners of the two vehicles with equal liability and involvement of the both the vehicles saying that it is due to contribution of both vehicles drivers. Hence, no way requires interference.

03. The claim maintained by the mother and younger sister of the deceased, Venkateswara Rao, aged about 23 years, the age of the mother shown as 50 years, sister is not dependent on the deceased, but for on the mother. The claim is under Section 163-A of the Motor Vehicles Act, 1988 for Rs.5,00,000/-. The Tribunal considered that the deceased - Venkateswara Rao died in the course of employment under the first respondent and taken the earnings at Rs.4,394/- per month. If half is deducted towards his personal expenses, the earnings of the deceased comes to Rs.2,197/- per month, applying multiplier 13, it comes to Rs.3,42,732/- (Rs.2,197/- x 12 x 13), apart from the loss of earnings, an amount of Rs.25,000/- towards funeral expenses, Rs.10,000/- towards loss of estate, in all the claimants are entitled for an amount of Rs.3,77,732/-. Hence, what the Tribunal awarded Rs.3,91,172/- no way requires interference from little variance.

04. Having regard to the above, there is nothing to interfere with the award of the Tribunal. Accordingly, the appeal is dismissed. No costs.

05. Consequently, miscellaneous petitions, if any, pending in this appeal shall stand closed.

Dr. B. SIVA SANKARA RAO, J

28.01.2016
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