

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

MACMA No.1697 OF 2006

JUDGMENT:

Impugning the award dated 23.03.2006 passed by the learned Chairman, Motor Accidents Claims Tribunal—cum-IV Addl.Metropolitan Sessions Judge,-cum-XVIII Additional Chief Judge, Hyderabad, (for short, 'the Tribunal'), in O.P.No.429 of 2003 maintained under Section 166 of the Motor Vehicle Act,1988 (*for short, 'the Act'*), for the claim of Rs.9,00,000/ by the three claimants no other than the wife, and two major sons of deceased Lakshman Rao, aged about 48 years, as per Ex.A.7 against the three respondents viz. General Superintendent, PWD Workshop & Stores, N.Santosh Kumar, owner of Tata Sumo bearing No.AP28 V 2021 and United India Insurance Company Limited, since granted Rs.5,29,600/- by fixing liability against 1st respondent- General Superintendent, PWD Workshop & Stores, dismissing against respondent Nos.2 and 3, the 1st respondent preferred the present appeal with the contentions that the tribunal erred in fixing liability against him by dismissing against the driver, owner and insurer of the Tata Sumo. Hence, to set aside the award.

2. Heard and perused the material on record.

3. The deceased working as technician Grade-II in IICT earning gross salary of Rs.6,115/- while going in the vehicle of the 2nd respondent insured with the 3rd respondent for a pilgrimage from Hyderabad to Shabermali and at the outskirts of Mandireddypally village, at about 2.45A.M., a truck bearing No.ADT 4967 belongs to the 1st respondent-appellant herein came from Jadcherla side driven in rash and negligent manner by its driver and dashed the Tata Sumo, due to which the deceased and 4 others died at the spot and some other inmates of Tata sumo were sustained injuries which is covered by Cr.No.4/2003. The tribunal held that the accident was the result of rash and negligent driving of the driver of the vehicle of the appellant

herein. So far as that finding concerned arrived by the tribunal from the evidence on record including of eye witness among P.Ws. 1 to 3, there is nothing to interfere. Even so far as quantum of compensation concerned, the deceased was aged about 48 years, a public servant earning Rs.6,115/- per month gross salary by the time of his death and the tribunal taken net salary of Rs.5,000/- from Ex.A.6 salary certificate. As per the expression of the Apex Court in **Sarla Verma v. Delhi Transport Corporation**^[1], 30% above to the salary, prospective earnings also to be taken into consideration from his age between 40 to 50 at the time of accident apart from the multiplier to be applied as per the **Sarla Verma** supra besides loss of consortium, funeral expenses and loss of estate even taken. When such is the case, what the tribunal awarded of Rs.5,29,600/- with interest at 7.5%p.a. no way on high side. Hence, for this Court while sitting in appeal, there is nothing to interfere with the award of the tribunal.

4. In the result, the appeal is dismissed. There is no order as to costs in the appeal. Consequently, miscellaneous petitions, if any pending in this appeal, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 02.08.2016
Vvr

^[1] 2009 ACJ 1298