

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

M.A.C.M.A. No.2086 OF 2009

JUDGMENT:

The National Insurance Company Limited, represented by its Divisional Manager, Divisional Office II, Hyderabad, who is respondent No.2 in O.P. No.11 of 2006 on the file of the Chairman, Motor Accidents Claims Tribunal-cum-II Additional District Judge, Nalgonda at Suryapet (for short, 'the Tribunal'), aggrieved over the order and decree dated 25.04.2007 awarding compensation of Rs.4,69,500/-, as against the claim of Rs.8,50,000/- laid under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act'), for the death of one Jalagam Eadaiah in a road accident, preferred the instant appeal under Section 173 of the Act, mainly on the ground that the compensation granted by the Tribunal is highly excessive and arbitrary.

2. The appellant herein, who is the insurer of the accident vehicle, is respondent No.2, while respondent Nos.1 to 4 herein, who are the wife and daughters of the said Jalagam Eadaiah (deceased), are petitioner Nos.1 to 4, and respondent No.5 herein, who is the owner of the accident vehicle, is respondent No.1 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. Heard Smt. Jonna Ramani, learned Standing Counsel for the appellant-Insurance Company. No representation for respondent Nos.1 to 4-claimants. Though, service was completed on respondent No.5-owner of the accident vehicle, none appears for him.

5. The fact-situation occurring in the instant case is not in dispute.

6. Perused the evidence on record and the order under challenge. The Tribunal, having found issue No.1 in favour of the petitioners, on issue No.2, taken the net salary of the deceased as Rs.4,603/-, though, gross salary ought to have taken as per the law now in vogue, deducted 1/3rd therefrom towards personal living expenses of the deceased, applied multiplier 13 and arrived at Rs.4,50,000/- towards loss of dependency. The Tribunal has also awarded Rs.2,000/- towards funeral expenses, Rs.2,500/- towards loss of estate and Rs.15,000/- towards loss of consortium. Thus, a total compensation of Rs.4,69,500/- was granted by the Tribunal with interest at 7.5% per annum from the date of petition till realization.

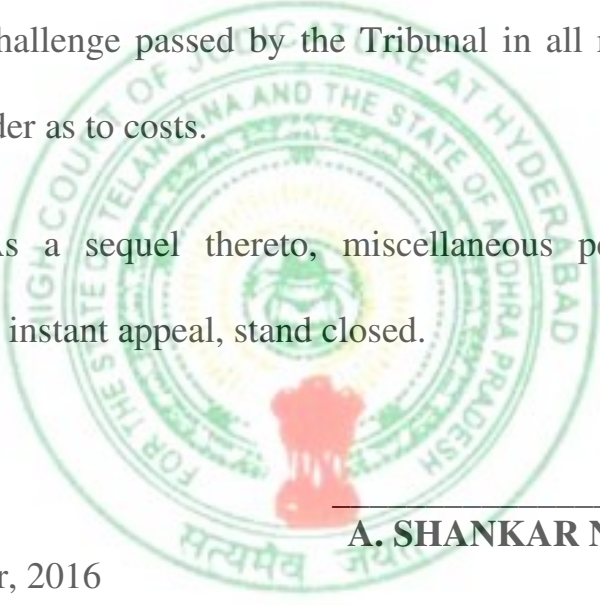
7. In fact, the Tribunal has not granted any amount towards future prospects irrespective of the fact that whether the deceased would be eligible for promotion. Even otherwise, certainly, the periodical pay revisions would take place, which fact was not taken into consideration by the Tribunal. Thus, viewed from any angle, the

compensation awarded by the Tribunal is not excessive or arbitrary, as contended by the Insurance Company.

8. So far as the rate of interest granted by the Tribunal at 7.5% per annum is concerned, the same is in accordance with the rate of interest granted by the Hon'ble Supreme Court in **Rajesh and others v. Rajbir Singh and others**¹ and the same is maintained. Thus, there is no merit in the instant appeal.

9. The instant appeal is, therefore, dismissed confirming the order under challenge passed by the Tribunal in all respects. There shall be no order as to costs.

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



A. SHANKAR NARAYANA, J

21st September, 2016

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¹ 2013 ACJ 1403