

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

M.A.C.M.A. No.62 of 2009

JUDGMENT :

Heard the learned counsel for the appellants/claimants 1 to 3 no other than three major unmarried daughters of late Nageswara Rao aged about 40 years died of the motor accident dated 13.05.2007 while traveling in R.T.C bus of the respondent due to the rash and negligent driving of its driver from the bus fell into the ditch and he was succumbed leave about another death claim in O.P. No.817 of 2007 besides the present one covered by O.P. No.819 of 2007 covered by common award of the Tribunal dated 07.08.2008 while finding the accident was the result of rash and negligent driving of the bus by its driver awarded compensation awarded of Rs.1,82,000/- by taken multiplier 15 and estimated the earnings of the deceased agriculturist-cum-coolie at Rs.18,000/- per annum $1/3^{\text{rd}}$ deduction the appeal is maintained impugning the said quantum of compensation as utterly low in saying the Tribunal ought to have been awarded as prayed for of Rs.2,50,000/-. The claim petition is filed under Section 163-A and 166 of Motor Vehicles Act. Even it is under Section 163-A of the Motor Vehicles Act as per **Kishan Gopal V. Lala**^[1] the minimum Rs.30,000/- p.a. instead of structured formula

speaks of Rs.15,000/- p.a. to be taken. If that is even taken, if 1/3rd towards deducted personal expenses, it comes to Rs.3,00,000/- (Rs.20,000 x 15) besides Rs.9,500/- towards loss of consortium, loss of estate and funeral expenses that is the compensation the claimants are entitled and as held in **Rajesh v. Rajbir Singh**^[1] what they are entitled to just compensation even though what they claimed is less.

2) Accordingly and in the result, the appeal is allowed by enhancing the compensation from Rs.1,82,000/- to Rs.3,09,500/- subject to payment of Court fees on the amount over and above Rs.2,50,000/- claimed before the Tribunal, with interest at 7.5% p.a. from the date of claim petition till the date of realization. Rest of the terms of the award of the Tribunal holds good. There is no order as to costs.

3) Miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

28.01.2016
ksh

^[1] (2014)1 SCC 244

^[2] 2013 ACJ 1403=(4)ALT-35(SC).