

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

M.A.C.M.A. No.1989 of 2009

JUDGMENT :

This Civil Miscellaneous Appeal, under Section 173 of the Motor Vehicles Act, 1988 (for brevity "the Act"), is preferred by the appellant - erstwhile A.P. State Road Transport Corporation (for brevity "the Corporation"), challenging the order and decree dated 27.01.2006, passed in O.P.No.265 of 2000 by the Motor Accidents Claims Tribunal-cum-VI Additional District Judge (F.T.C.), Gooty, Anantapur District (for brevity "the Tribunal"), whereby and whereunder a sum of Rs.1,24,500/- was awarded towards compensation, as against the claim of Rs.1,52,000/- laid by respondent - petitioner, under Sections 140 and 166 of the Act, for the injuries sustained by him in a road accident that occurred on 08.06.1999.

2. The manner in which the accident had occurred in the instant case is not disputed and the liability of the appellant - Corporation is also not disputed, except the quantum of compensation awarded by the Tribunal.

3. Heard Sri A. Rama Rao, learned Standing Counsel for the appellant - Corporation and Sri Maheswara Rao Kunchem, learned counsel for the respondent - petitioner.

Perused the order under challenge and also the evidence on record, both oral and documentary.

4. The Tribunal has taken the disability sustained by the respondent – petitioner at 50% basing on evidence of P.Ws.2 and 3, who are Assistant Professor, Ortho, Medical College Hospital, Anantapur; and Assistant Professor in Orthopaedic in Government Hospital, Anantapur, respectively, and the injuries sustained by the respondent - petitioner were mentioned under issue No.2. The Tribunal has applied the structural formula by taking the income of the respondent – petitioner at Rs.15,000/- per annum, which is applicable upto the age of 15 years, and by applying the appropriate multiplier ‘15’, arrived at the loss of future earning capacity at Rs.1,12,500/- ($\text{Rs.15,000/-} \times 15 = \text{Rs.2,25,000/-} \times 50/100 = 1,12,500/-$). The other amounts granted by the Tribunal under other heads are also proper and arrived at basing on evidence. Even the rate of interest granted by the Tribunal at 7.5% per annum is also in accordance with the decision of the Hon’ble Supreme Court in RAJESH AND OTHERS V. RAJBIR SINGH AND OTHERS¹. Therefore, there are no merits in the Civil Miscellaneous Appeal and the same is liable to be dismissed.

5. Accordingly, this Civil Miscellaneous Appeal is dismissed, confirming the order and decree dated 27.01.2006,

¹ 2013 ACJ 1403

passed in O.P.No.265 of 2000 by the Tribunal. No order as to costs.

6. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE A. SHANKAR NARAYANA

16.09.2016.

Msr



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