HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

M.A.C.M.A. No.1739 OF 2009

JUDGMENT:

Erstwhile Andhra Pradesh State Road Transport Corporation, represented by its Regional Manager, Anantapur, preferred the instant appeal under Section 173 of the Motor Vehicles Act, 1988(for short 'the Act') aggrieved over the order and decree, dated 04-01-2008, in O.P. No.348 of 2006, on the file of the Chairman, Motor Accident Claims Tribunal - cum - District Judge, Anantapur (for short 'the Act'), whereby and where-under, an award of Rs.10,15,992/- was granted as compensation with interest at 6% per annum thereon as against the claim of Rs.12,00,000/- laid under Sections 140 and 166 of the Act, mainly on the ground that the compensation granted was excessive and arbitrary.

2. Heard Sri Aravala Rama Rao, learned standing counsel for the appellant - respondent, and Smt. N. Sasikala, learned counsel for respondent Nos.1 to 5 - petitioners.

3. Though, liability is questioned in the present appeal including quantum of compensation, but the fact-situation occurring in the instant case and the finding recorded by the Tribunal in regard to the rash and negligent driving attributed to the driver of the RTC bus examined as RW.1 cannot be upset, as the finding does not suffer from any process of reasoning.

4. Turning to the quantum of compensation, the Tribunal taken the age of the deceased as 35 years and income of Rs.7,397/- per month, which was the net salary, the gross salary being Rs.7,917/- as per Ex.A-6, salary certificate, showing that the deceased was working as Excise Police Constable, and his date of birth being recorded as 03-02-1971, testified by PW.3. Thus, the Tribunal has deducted 1/3rd towards personal expenses of the deceased and the remainder Rs.59,176/- towards contribution, applied multiplier '17' though, the relevant multiplier is '16' as the deceased was 35 years old and arrived the loss of dependency at Rs.10,05,992/- and added Rs.10,000/- towards loss of consortium to the 1st petitioner, making a total of Rs.10,15,992/-. In fact, the dependants are five in number as the petitioners are five in number. Therefore, when the law declared by the Hon'ble Supreme Court in **Sarla Verma & others v. Delhi Transport Corporation and another**[1] is applied, 1/4th deduction is permissible towards personal living expenses of the deceased. This apart, the conventional sum of Rs.10,000/- granted by the Tribunal is very meager. No amounts were granted towards loss of estate and funeral expenses. Further, future prospects were not considered irrespective of the fact whether the deceased would get promotion. The rulings of the Hon'ble Supreme Court in **Sarla Verma's Case** (Supra 1) and **Rajesh and others v. Rajbir Singh and others**[2] when

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1. (2009) 6 Supreme Court Cases 121
2. 2013 ACJ 1403

viewed, certainly, the amount of Rs.10,15,992/- granted by the Tribunal can neither be construed as excessive nor arbitrary.

5. Thus, the appeal lacks merit and consequently the same is dismissed. No order as to costs.

As a sequel thereto, miscellaneous applications, if any, pending in the appeal, stand disposed of.

A. SHANKAR NARAYANA, J

August 23, 2016.
Mgr