

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

M.A.C.M.A. No.741 OF 2016

JUDGMENT:

The claimants, who are no other than parents of the deceased by name Yennolu Krishna Rao, filed M.V.O.P. No.62 of 2009 on the file of Motor Accidents Claims Tribunal-cum-Principal District Judge, Medak at Ranga Reddy District (for short 'the Tribunal') under Section 166 of Motor Vehicle Act, 1988 (for short 'M.V Act') for compensation of Rs.7,00,000/- against respondents viz., owner and insurer of lorry bearing No.AP 23 U 4635 and the Tribunal passed an award on 30.08.2010, granting Rs.2,67,000/- with interest at 7.5% per annum fixing joint liability against respondent Nos.1 and 2. Impugning the same, the claimants maintained the present appeal as the quantum is utterly low.

2) The M.A.C.M.A. M.P. No.1405 of 2011 is filed to condone the delay of 80 days in filing the appeal, is condoned, as the reasons assigned are due to poverty, subject to condition that the claimants are not entitled to interest on enhanced amount but from today.

3) Heard learned counsel for appellants—claimants and learned standing counsel for Insurer. The respondent No.1—owner of the vehicle though contested before the Tribunal and even impleaded in this appeal dismissed for default, vide order, dated 10.03.2015 for not taking fresh notice. However, the same is no way fatal to the maintainability of the appeal vide ***Meka Chakradhara Rao vs Yelubandi Babu Rao***^[1] and the same is recorded.

4) Coming to the quantum of compensation, the deceased worked as welder in M/s.Sree Balaji Fasteners Pvt. Limited and drawing salary of Rs.6,000/- per month and there is no proof. Even in the absence of proof of earnings as per ***Latha Wadhwa vs State of Bihar***^[2], minimum Rs.3,000/- is to be taken and the accident was dated 13.12.2008, which is nearly 7 years after the expression, with proportionate increase Rs.3,700/- per month is to be taken and half to be deducted towards personal expenses, and from

the age of the mother of the deceased is 44 years, the multiplier applicable is '14' as per ***Sarla Verma vs Delhi Transport Corporation***^[3] it comes to Rs.3,10,800/- (Rs.1850/- X 12 X 14). Apart from it, Rs.25,000/- towards funeral expenses and Rs.10,000/- towards loss of estate vide ***Rajesh vs Rajbir Singh***^[4], in all it comes to Rs.3,45,800/-.

5) Accordingly and in the result, the appeal is partly allowed by enhancing the compensation from Rs.2,67,000/- (Rupees two lakhs sixty seven thousand only) to Rs.3,45,800/- (Rupees three lakhs forty five thousand eight hundred only). The rate of interest awarded by the Tribunal remains same. However, the claimants are not entitled to interest on the enhanced amount but from today. In other respects, the award of the Tribunal holds good. No order as to costs.

6) Miscellaneous petitions, pending if any in this appeal shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.09.02.2016
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[\[1\]](#) 2001 (1) ALT 495 DB

[\[2\]](#) AIR 2001 SC 3218

[\[3\]](#) 2001 ACJ 1298

[\[4\]](#) 2013 ACJ 1403