

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

M.A.C.M.A. No.138 of 2016

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JUDGMENT:

The claimants who are parents of the deceased, aged about 20 years as per Ex.A6—SSC certificate and was doing business along with his father, maintained the claim O.P. No.1505 of 2007 on the file of V Additional Metropolitan Sessions Judge, Mahila Court, Hyderabad (for short 'the Tribunal') under Section 166 M.V Act for the death of deceased in the accident dated 16.11.2006, claimed for Rs.20 lakhs and the Tribunal awarded compensation of Rs.4,15,000/- with interest at 7.5% per annum against APSRTC with finding that the accident is due to rash and negligent driving of driver of RTC bus bearing No.AP 11 Z 3093 which is coming behind back of the deceased and another person and dashed them, as a result he fell down and sustained injuries and was shifted to Yashoda Hospital, Malakpet and he succumbed to injuries while undergoing treatment. It is now impugning the same, the quantum of compensation granted by the Tribunal is utterly low, the present appeal is filed.

2) Heard learned counsel for the appellants and learned standing counsel for APSRTC. Perused the material on record.

3) The Tribunal rightly not believed the so-called income tax returns as the deceased was assisting his father in the business. When such is the case, there can be no income

tax and returns for him to give any credence. The Tribunal, no doubt, has taken the earnings of the deceased, who studied 10th class, at Rs.5,000/- per month as on the date of accident, the claimants are the parents and the ages shown in the claim petition is between 42 to 47 as per **Sarla Verma vs Delhi Transport Corporation**^[1], the multiplier applicable is '14'. There is nothing even to take any prospective increase in the earnings of the deceased but for estimated by Tribunal Rs.5,000/- per month in all, if that is to be taken into consideration half to be deducted towards personal expenses, then it comes to Rs.2,500/- per month, the loss of earnings comes to Rs.4,20,000/- (Rs.2,500/- X 12 X 14). Apart from it, Rs.25,000/- towards funeral expenses, Rs.10,000/- towards loss of estate, in all it comes to Rs.4,55,000/- is the just compensation, for which the claimants are entitled to.

4) Accordingly, the appeal is partly allowed by enhancing the compensation from Rs.4,15,000/- to Rs.4,55,000/- with interest at 7.5% per annum from the date of petition till the date of realization. The rest of the terms of the award holds good. No order as to costs.

5) Consequently, miscellaneous petitions, if any pending in this Appeal shall stand closed.

Dr. B. SIVA SANKARA RAO, J

18.01.2016
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