

**HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO**

**M.A.C.M.A. No.20 of 2011**

**AND**

**CROSS OBJECTIONS (SR) No.25248 of 2015**

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**COMMON JUDGMENT:**

APSRTC—who is the respondent to the claim petition filed by three claimants, who are husband and two minor children of deceased Sujatha under Section 166 of the Motor Vehicle Act (for short ‘the Act’) for Rs.6 lakhs in O.P. No.520 of 2006 on the file of Motor Accidents Claims Tribunal-cum-Chief Judge, City Civil Courts, Hyderabad since Tribunal awarded compensation of Rs.4,15,000/- with interest at 7.5% per annum vide award dated 26.07.2008, impugning the said quantum is excessive and exorbitant maintained the appeal by showing the claimants as respondents 1 to 3.

2) After service of summons in the appeal to the respondents/ claimants, they filed cross objections in the appeal supra with delay of 1528 days and the reasons assigned for the condonation of delay is financial problems and mental agony. In fact, it is not their case that they did not engage advocate after receiving of summons in the appeal. Once such is the case, vakalath to be filed after service of summons within the time prescribed. Hence, there is no reason to condone the delay of 1528 days in filing the cross objections in MACMA No.20 of 2001 on the premise of financial difficulties and mental agony, the MACMA MP No.4228 of 2015 is dismissed. Consequently, the cross objections in numbered appeal are rejected.

3) The appeal is taken up for hearing, at request of both the parties.

4) Heard learned standing counsel for appellant and learned counsel for respondents/ claimants and perused the material on record.

5) The claimant was aged about 40 years as per Exs.A2 and A4—inquest report and post mortem report respectively, as per the expression of the Apex Court in ***Sarla Verma vs Delhi Transport Corporation***<sup>[1]</sup> for the age group between 41-45 the multiplier applicable is '14' and even taken as per the expression of the Apex Court in ***Latha Wadhwa vs State of Bihar***<sup>[2]</sup> in the absence of proof of earnings, the minimum to be taken at Rs.3,000/- per month as the accident was occurred on 02.12.2005, the earnings of the deceased is to be taken at Rs.3,400/- per month, if 1/3<sup>rd</sup> deducted towards personal expenses it comes to Rs.2267/-, the loss of dependency comes to Rs.3,80,856/- (Rupees three lakhs eighty thousand eight hundred fifty six only), besides entitlement towards loss of consortium and towards care and guidance of two minor children. Thereby, there is nothing to interfere with the quantum of compensation awarded by the Tribunal.

6) Accordingly, the appeal is dismissed. No order as to costs.

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

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**Dr. B. SIVA SANKARA RAO, J**

21.01.2016

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[\[1\]](#) 2009 ACJ 1298

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