THE HON'BLE SMT JUSTICE T. RAJANI

MACMA No.914 of 2008

JUDGMENT:

This appeal is preferred against the judgment of the X Additional District and Sessions Judge – cum- Motor Accidents Claims Tribunal, Guntur, Narsaraopet in MVOP.No.962 of 2004 on the grounds that tribunal erred in holding that there is no proof of income of the deceased and took notional income and the tribunal ought to have seen that as per the oral and documentary evidence, the deceased was working as labourer and earning Rs.75/- per day.

2. At the hearing, counsel for the appellants agreed for the income of the deceased to be taken as Rs.20,000/- per annum instead of Rs.15,000/- as was taken by the tribunal. The second schedule of the Motor Vehicles Act, 1988 (for short 'the Act') prescribed Rs.15,000/- per annum only for non-earning persons but in this case, the positive evidence of the witnesses is that the deceased was making earnings by working as a labourer.

3. The wages of the deceased would in the least be Rs.20,000/- per annum and after deducting 1/3rd of the said income, Rs.13,334/- would be the annual dependency. Applying the relevant multiplier 11 to the annual dependency, the total dependency would work out to Rs.13,334/- x 11 = Rs.1,46,674/- as against Rs.1,10,000/- awarded by the tribunal below. Hence, after adding the amounts awarded by the tribunal under other heads to the compensation arrived at above, the total compensation works out to Rs.1,46,674/- + (Rs.2,000/- +

Rs.2,500/- + Rs.5,000/-) Rs.9,500/- = Rs.1,56,174/-. Since the appellants restricted their claim to Rs.1,50,000/-, the total compensation arrived at Rs.1,56,174/- is rounded off to Rs.1,50,000/-. This Court is not inclined to interfere with the rate of interest awarded by the tribunal as it is on par with the rate of interest awarded by nationalized banks.

The civil miscellaneous appeal is allowed. As a sequel, the miscellaneous applications, if any, shall stand disposed of as infructuous. There shall be no order as to costs.

T. RAJANI, J

February 10, 2017
DSK