

The Hon'ble Smt. Justice T.Rajani

M.A.C.M.A. No.996 of 2008

Date: 03.10.2017

Judgment:

This Appeal is preferred by the appellant, who is the claimant in OP.No.517 of 2005 on the file of the Court of the Motor Vehicle Accidents Claims Tribunal –cum- I Additional District Judge, Vizianagaram (for short 'the Tribunal'), assailing the Judgment, dated 20-06-2006, on the ground that the Tribunal did not award adequate compensation in spite of the appellant being hospitalized for more than 15 days and undergoing surgeries and that it awarded a meager compensation under the head of disability.

Heard the learned Counsel for the appellant and the learned Standing Counsel for the Andhra Pradesh State Road Transport Corporation appearing for respondent Nos.2 and 3.

At the hearing, the learned Counsel for the appellant, instead of arguing on the grounds laid in the Grounds of Appeal, takes up a new ground with regard to the notional income taken by the Tribunal. He contends that the Tribunal ought to have taken the notional income of the claimant as Rs.10,000/- per month as was

taken by the Apex Court in a ruling reported in **V.Mekala vs. M.Malathi and another**¹.

In the case dealt with by the Apex Court, there was evidence to show that the claimant therein was a brilliant student; that she had secured first rank in 10th standard; and that she was studying 11th standard at the time of the accident.

In this case, there is no evidence as regards the academic performance of the appellant. In fact, there is no evidence to show that he was a student at all. However, since the said fact is not disputed by the respondents, it can be accepted that the appellant was a student as on the date of the accident. In the absence of any evidence with regard to the academic performance of the appellant, except taking the notional income, there cannot be any other approach. Hence, the approach of the Tribunal, in adopting the notional income of the appellant for calculating the loss of his future income, cannot be found fault with.

In the light of the above, I do not find any reason to interfere with the judgment of the Tribunal.

The Appeal is, accordingly, dismissed.

(T.Rajani, J)

Dt: 3rd October, 2017
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¹ 2014 ACJ 1441

