

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

MACMA.No.240 OF 2014

JUDGMENT:

The present appeal is preferred under Section 173 of the Motor Vehicles Act, 1988 (for short, 'the Act'), questioning the quantum of compensation awarded by the Chairman, Motor Accidents Claims Tribunal-cum-I-Additional District Judge, Ranga Reddy District at L.B.Nagar, Hyderabad, by the order dated 25.05.2011 in O.P.No.380 of 2009, whereby and whereunder, compensation of Rs.4,89,000/- was awarded as against the claim of Rs.5,00,000/- laid under Section 166 of the Act.

2. The appellants herein, the erstwhile Andhra Pradesh State Road Transport Corporation represented by its Managing Director and the Depot Manager, respectively, are the respondents in the aforesaid original petition, while respondent Nos.1 to 5 herein, who are the legal representatives of the deceased Gorati Chandraiah, are the petitioners – claimants.

3. For the sake of convenience, the parties are hereinafter referred to as they were arrayed before the Tribunal in the original petition.

4. Heard Sri N.Vasudeva Reddy, learned Standing Counsel for the appellants, and Sri V.Narasimha, learned counsel for respondent Nos.1 to 5.

5. The fact-situation is not in dispute. Therefore, there is no need to advert to it.

6. Before the Tribunal, though, contributory negligence is sought to be viewed, there is no evidence supporting the said stand, and the Tribunal, analysing the evidence, both, oral and documentary let in by the petitioners, arrived at the conclusion that due to rash and negligent driving of the driver of the Corporation, the accident did occur resulting in the death of the said Gorati Chandraiah. In fact, no evidence was let in by the Corporation to substantiate that stand, which is also agitated in the present grounds of appeal.

7. The Tribunal, keeping in view, the entries in Exs.A5 to A10, which are the copies of ROR patta pass books of the deceased, besides the pattadar pass books of his mother and ROR title deeds, arrived at the conclusion that the family of the deceased own Ac.12.00 of agricultural land and, thereby, fixed the monthly income of the deceased at Rs.4,000/- per month or Rs.48,000/- per annum and, deducting $\frac{1}{3}^{\text{rd}}$ thereof towards personal expenses of the deceased, taken the remaining amount of Rs.32,000/- as contribution of the deceased to the family and, by applying multiplier factor '15', arrived at Rs.4,80,000/- towards loss of dependency. Besides the same, the Tribunal also awarded Rs.5,000/- towards transport for shifting the dead body, Rs.2,000/- towards funeral expenses and Rs.2,000/- towards medical expenses and thus, awarded a total sum of Rs.4,89,000/- as compensation. Somehow, the Tribunal has not

resorted to granting amounts towards loss of consortium and loss of estate. This apart, towards future prospects, no amount is determined by the Tribunal. By virtue of the law declared by the Hon'ble Apex Court in **Rajesh and others v. Rajbir Singh and others**¹, the petitioners are also entitled to future prospects, in which case, the amount that would be determined far exceeds the claim made. Thus, when viewed in that context, there is absolutely no merit in the present appeal, for the reason that it cannot be said that the amount awarded by the Tribunal is either exorbitant or excessive.

8. So far as the rate of interest is concerned, the Tribunal has awarded the same at 7.5% per annum, which is also in tune with the law laid down by the Hon'ble Apex Court in **Rajesh's** case referred to above. Therefore, viewed from any angle, the appeal is devoid of merit.

9. Accordingly, the **instant** appeal is dismissed, confirming the order and decree of the Tribunal. No order as to costs.

10. As a sequel thereto, miscellaneous applications, if any pending in the instant appeal, stand disposed of.

JUSTICE A.SHANKAR NARAYANA

09th October, 2017
v v

¹ 2013 ACJ 1403