

THE HON'BLE SMT JUSTICE T. RAJANI

MACMA No.868 of 2008

JUDGMENT:

This appeal is preferred by the appellant, who is the insurer, against the judgment of the Principal District Judge, Kurnool in MVOP.No.196 of 2005 on the grounds that the tribunal ought to have believed the evidence of R.W.1 with regard to negligence and the tribunal erroneously took the contribution of the salary of the deceased as Rs.6,421/- without taking the basic salary.

2. The judgment shows that the tribunal considered the evidence on the aspect of the salary under issue No.2. The contention with regard to the future hike of salary was dismissed on the premise that compassionate appointment would be offered to the wife of the deceased, which is apparently against the established principle that compassionate employment to the family members would not be a consideration for reducing or refusing the compensation.

3. The case of the claimants before the tribunal below was that the deceased was earning Rs.3,000/- per month, apart from his salary, by running private tuitions. However, the tribunal did not consider the said part of the evidence and it took only the gross salary as stated by P.W.1 for computing the compensation. The tribunal had deducted 1/3rd towards personal expenses of the deceased and adopted suitable multiplier, the correctness of which is not disputed by the appellant herein.

4. Mr. A. Rama Rao, learned counsel for the appellant, fairly concedes that the tribunal has taken a reasonable approach in computing the income.

5. In fact, the tribunal did not consider the possible future hike of the salary of the deceased but only took the salary, which the deceased was drawing at the time of the accident and that would have been a good ground for seeking enhancement of the award amount. However no appeal is preferred by the claimant. In view of the aforementioned reasons, this Court does not find any reason to interfere with the order of the tribunal.

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

February 10, 2017
DSK

T. RAJANI, J

