

THE HON'BLE SRI JUSTICE M.S.K.JAI SWAL

MACMA No.1118 of 2010

JUDGMENT:

The present appeal is filed against the orders of the learned Chairman, Motor Accidents Claims Tribunal-cum-Judge, Family Court-cum-Additional District Judge, Ongole in M.V.O.P.No.172/2009, dated 17.03.2010, by and under which the Tribunal awarded a total compensation of Rs.5,00,000/- to the respondents/claimants 1 to 5 & 8, who are heirs of the deceased Boddu Venkateswarlu, who admittedly died in an accident, involving the bus bearing registration No.AP11Z-4090, owned by the appellant Corporation on 23.02.2009.

The case of the claimants is that on the fateful day, the deceased was travelling in a bus, the driver of the RTC bus suddenly applied breaks to avoid accident, due to which, the bus turned turtle towards right side and its front tyre got down in a pit and slowly fell down towards right side, due to which, the deceased sustained injuries and died.

The Tribunal has taken into consideration the fact that the deceased was aged about 36 years and he was working as mason, and in the absence of there being any authentic proof of income, the Tribunal has taken into consideration the notional income of the deceased as Rs.150/- per day and after applying the multiplier of '16', and after deducting 1/3<sup>rd</sup> amount, the total compensation is determined as Rs.5,00,000/-.

I have perused the evidence on record and also the impugned order. Admittedly, the deceased was young and healthy person, aged about 36 years and was maintaining family, consisting of wife and three

teen-aged daughters, in addition to the aged parents. In case of this nature, where the deceased happened to be an illiterate and unorganized worker, the notional income has to be taken into consideration and the Tribunal is justified in taking notional income of the deceased at Rs.150/- per day and has followed the procedure in multiplying the same and after deducting 1/3<sup>rd</sup> amount, quantified the compensation of Rs.5,00,000/-, which cannot in any way be said to be excessive, exorbitant and erroneous.

Upon perusing the material on record, I see no reason to interfere with the award of compensation passed by the Tribunal. However, the Tribunal has awarded the compensation with interest @9% p.a., which part needs to be interfered with.

Considering the facts and circumstances, the rate of interest granted by the Tribunal is reduced to @7.5% p.a from @9% p.a.

The MACMA is allowed in part to the extent indicated above. No order as to costs.

Date: 02.06.2017  
Dsr

M.S.K.JAI SWAL,J