

HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

M.A.C.M.A.No.735 of 2010

JUDGMENT:

The appellants are the claimants, who are no other than husband and two children of the deceased-P.Padmavathi, aged about 45 years as per the Post Mortem Report-Ex.A4 of the claim maintained for Rs.5,00,000/- under Section 163-A of the Motor Vehicles Act (for short 'the Act'), against the Andhra Pradesh State Road Transport Corporation (for short 'APSRTC') in MVOP No.277 of 2009 and the tribunal after contest awarded Rs.2,02,200/- with interest at 7.5% p.a. and impugning the same, they filed present revision.

2. Heard the learned counsel for the claimants. Though respondent served failed to attend and taken as heard. Perused the material on record.

3. On 13.10.2008, when the deceased was travelling in APSRTC bus bearing No.AP 11Z 0263 and was getting down from the bus at Appikatla bus stand, the driver started the bus all of sudden, due to which she was run over under the wheels of the bus and was succumbed before shifting to hospital.

4. The tribunal after contest having held that the accident was the result of rash and negligent driving of the driver of the respondent and the version of RW.1 of the deceased was succumbed while crossing the road out of her negligence cannot be

believed so also the contest of PW.2 is an introduced witness. Hence, against the said findings, there is nothing to interfere.

5. Coming to the quantum of compensation, in the absence of proof of earnings, the minimum earnings to be taken as per Schedule II of the Motor vehicles Act of Rs.15,000/- p.a. to be read as Rs.30,000/- p.a. vide Kishan Gopal Vs Lala¹. If the same is taken into consideration and 1/3rd is deducted towards personal expenses of the deceased, it comes to Rs.20,000/- and loss of dependency comes at Rs.20,000/-x14.5 (the multiplier applicable from the age of the deceased as per Schedule II of the Act is '14.5') =Rs.2,90,000/-. Apart from it, the petitioners are entitled to Rs.9,500/- towards loss of consortium, funeral expenses and towards loss of estate (as per Schedule II of the Act). Thus, in total it comes to Rs.2,99,500/-.

7. Accordingly, the appeal is partly allowed by enhancing the compensation from Rs.2,02,200/- to Rs.2,99,500/- In other respects, the award of the tribunal holds good. There is no order as to costs.

6. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

Dr. B. SIVA SANKARA RAO, J

Date:04.01.2017
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¹ 2014(1)SCC-244)