

SMT. JUSTICE T.RAJANI

M.A.C.M.A.NO.3024 OF 2008

JUDGMENT

This appeal is preferred by the appellant – Andhra Pradesh State Road Transport Corporation, which is the respondent in the lower court, assailing the award of the Motor Accidents Claims Tribunal (Principal District Judge) at Khammam in M.V.O.P.No.1469/2002 dated 23.01.2006 on the grounds that the compensation amount awarded by the lower court as Rs.3,24,000/-, is highly excessive; that lower court erred in taking the income of the deceased at Rs.2,400/- per month without any credentials and; that the lower court ought not have applied the multiplier of 16.

At the hearing, the learned counsel for the appellant made an effort to assail the award of the lower court on the ground of negligence. But no such ground is urged in the grounds of appeal and no evidence was adduced and none were examined on the aspect of negligence. Hence, he cannot be permitted to argue on the aspect of negligence at this stage.

The approach of lower court in taking Rs.2,400/-, is a deviation from the normal course of taking Rs.3,000/- per month as the income of a person when no credible evidence is coming forth on the aspect of income.

With regard to quantum of compensation, after going through the award made by the lower court, it appears that the lower court applied lesser multiplier, which in fact ought to have been 17.

There is no counter argument made by the learned counsel for the respondents with regard to erroneous application of multiplier. Hence, there cannot be any grievance to the appellant.

The amounts awarded under the other heads are also on the lower side. Law with regard to awarding of consortium has been established by now, that it should be at least Rs.1,00,000/-, for which the lower court awarded only Rs.15,000/- and for funeral charges, Rs.2,000/- was granted.

Hence, there is absolutely no reason to interfere with the order of the lower court and the appeal is dismissed. No costs.

Miscellaneous petitions pending if any, shall stand closed.



T.RAJANI,J

DATE: 10—03—2017

AVS