THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

MACMA.No.398 OF 2014

JUDGMENT:

Aggrieved by the order and decree, dated 15.04.2013, passed in M.V.O.P.No.412 of 2012 on the file of the Chairman, Motor Accidents Claims Tribunal – cum – II Additional District Judge, West Godavari, Eluru, whereby and whereunder, against Rs.8,00,000/- claimed towards compensation for the death of the husband of the 1st petitioner under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act'), compensation of Rs.5,24,000/- was granted, the present appeal is preferred by the erstwhile Andhra Pradesh State Road Transport Corporation represented by its Vice Chairman and Managing Director requesting to set aside the said order and decree on the ground that the amount awarded is excessive and exorbitant.

2. The appellant is the 2nd respondent in the aforesaid original petition, whereas the respondents 1 to 5 herein are the petitioners - claimants.

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

4. Heard Sri S.V. Ramana, learned Standing Counsel for the appellant – Corporation.

5. The main submission made by the learned Standing Counsel is that in paragraph '12' of the order under challenge, the Tribunal, having found from the cross-examination of PW.3 – Jatti

Nageswara Rao, the Proprietor of M/s.Shridi Sai Filling Station, Narsapur, that no appointment order nor any other register showing the payment of salaries or register containing the details of employees being sent to the labour department, were all placed, but somehow, without assigning any reason fixed the monthly income of the deceased at Rs.4,500/-, though, disbelieved the petitioners' version that the deceased was earning Rs.6,500/- per month. Therefore, the learned Standing Counsel would submit that the monthly income of the deceased fixed by the Tribunal is on higher side, as it ought to be Rs.3,000/- per month rather than Rs.4,500/- per month.

6. Perused the order under challenge and the material on record. The petitioners are five in number. Therefore, the deduction permissible towards personal living expenses of the deceased would be 1/4th, but not 1/3rd. Even if Rs.3,000/- is taken as the monthly income of the deceased, it is to be noted that no amount towards future prospects was awarded by the Tribunal and in case future prospects are calculated, the petitioners are entitled to 30%, since the deceased falls in the age group of 40 to 50 years. Further, the rate of interest awarded by the Tribunal was only 6% per annum, which is also on lower side. Therefore, viewed from any angle, there is absolutely no merit in the present appeal.

7. Hence, the present appeal is dismissed confirming the order of the Tribunal.

8. Miscellaneous Petitions, if any, pending in this appeal, shall stand closed. No order as to costs.

A. SHANKAR NARAYANA, J

October 23, 2017
v v