

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2555 OF 2006

JUDGMENT:

This appeal is filed by the appellants-claimants under Section 173 of the M.V. Act, aggrieved by the judgment, dated 29.08.2006, in M.V.O.P.No.844 of 1999, passed by the Motor Accident Claims Tribunal-cum-I Addl. District Judge, Guntur, for enhancement of compensation.

2. Though the appeal is posted under the caption 'for dismissal', there is no representation on behalf of the appellants. On earlier occasion also, there was no representation on behalf of the appellants. Counsel for the respondent-Insurance Company is present.

3. Learned standing counsel for the respondent-Insurance Company would submit that the Tribunal had granted compensation of Rs.1,75,000/- to the claimants on all heads, which is just and reasonable. There are no circumstances to interfere with the same and ultimately, prayed to dismiss the appeal.

4. As per the evidence on record, death of the deceased, Anumolu Ravindranath in a road accident occurred on 14.02.1999 due to rash and negligent driving of driver of lorry bearing No. AEB 2518, is not in dispute, who was 17 years old at that time. The Tribunal had taken the notional income of the deceased as Rs.15,000/- per annum. The Tribunal deducted one third of the amount towards personal expenses and arrived at Rs.10,000/- per annum towards contribution to his family. By applying multiplier 15, the Tribunal assessed loss of dependency at Rs.1,50,000/- and granted the same. Further, the

Tribunal granted Rs.5,000/- towards transportation charges and funeral expenses and Rs.20,000/- towards loss of love and affection. In all, the Tribunal granted Rs.1,75,000/-. The accidental death in this case pertains to February, 1999. The capability of earning capacity etc., is the prime consideration for grant of compensation in the instant case. In those days, the daily wages and capability is less. Therefore, taking the notional income of the deceased as Rs.15,000/-per annum, the Tribunal granted the above mentioned compensation. There is nothing to take a different view. The appeal is devoid of merit and is liable to be dismissed.

5. Accordingly, the Appeal is dismissed confirming the judgment, dated 29.08.2006, in M.V.O.P.No.844 of 1999, passed by the Motor Accident Claims Tribunal-cum-I Addl. District Judge, Guntur. No order as to costs. Miscellaneous petitions, if any pending in this appeal shall stand closed.

DATED: 19-06-2018

Hsd

DR.SHAMEEM AKTHER, J