THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2192 of 2007

JUDGMENT:

This appeal, under Section 173 of the Motor Vehicles Act, 1988 ('the Act', for brevity), is filed by the appellant-United India Insurance Company Limited, challenging the order, dated 30.11.2006, passed in M.V.O.P.No.341 of 2004 by the Chairman, Motor Accident Claims Tribunal-cum-IV Additional District Judge, Kadapa ('the Tribunal', for brevity).

2. Heard both sides. Perused the record.

3. The learned Standing Counsel for the appellant-Insurance Company would contend that the deceased-B.Prasad was a labourer. The Tribunal erroneously took the monthly income of the deceased as Rs.4,000/- per month, without there being any proof. The Tribunal granted excess compensation of Rs.4,00,000/- with interest @ 7.5% per annum from the date of petition till realisation, as against a claim of Rs.4,00,000/- and ultimately prayed to reduce the amount granted as compensation.

4. On the other hand, the learned counsel for the respondents 1 to 4/claimants would contend that the Tribunal rightly took the monthly income, age of the deceased, applied appropriate multiplier applicable to the age of the deceased and granted just and reasonable amount as compensation. There are no circumstances to interfere with the order under challenge and ultimately prayed to dismiss the appeal by confirming the order under challenge.

5. In view of the above rival contentions, the point that arises for determination in this appeal is whether the compensation granted by the Tribunal in favour of the respondents 1 to 4/claimants is liable to be reduced.

6. It is not in dispute that the deceased-B.Prasad suffered fatal injuries in the subject accident occurred on 28.03.2004 due to rash and negligent driving of the driver of the Tractor-Trailer bearing registration Nos.AP-04-U-6213 & 6214 and succumbed to the same. The Tribunal, relying on the evidence of P.W.1 and P.W.2, held that the deceased was a labourer working under respondent No.5-owner of the offending Tractor-Trailer bearing registration Nos.AP-04-U-6213 & 6214. The Tribunal took the monthly income of the deceased as Rs.4,000/-, deducted 1/3rd of it towards personal expenses of the deceased, applied appropriate multiplier '15' and assessed the compensation payable to the respondents 1 to 5/claimants as Rs.4,80,060/-, but granted Rs.4,00,000/- as compensation for which the claim petition was filed. In view of the facts and circumstances of the case, taking monthly income of the deceased as Rs.4,000/- and granting the aforementioned amount as compensation by the Tribunal cannot be held to be excessive. There is no infirmity in the order under challenge. The appeal is devoid of merit and is liable to be dismissed.

7. In the result, the appeal is dismissed. No costs.

Miscellaneous Petitions pending, if any, shall stand closed.

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Dr. SHAMEEM AKTHER, J

28th September, 2018
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