

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2408 of 2005

JUDGMENT:

This appeal, under Section 173 of the Motor Vehicles Act, 1988, is filed by the appellant/United India Insurance Company Limited, aggrieved by the grant of compensation of Rs.7,98,000/- as against a claim of Rs.9,00,000/- to the respondents/claimants, by the Chairman, Motor Accidents Claims Tribunal-cum-I Additional District Judge, Karimnagar ('the Tribunal', for brevity), vide order, dated 13.06.2005, passed in O.P.No.641 of 2002.

2. Heard the submissions of the learned Standing Counsel for the United India Insurance Company Limited representing the appellant, the learned counsel for the respondents/claimants and perused the record.

3. The learned Standing Counsel for the United India Insurance Company Limited representing the appellant would submit that the award of compensation of Rs.7,98,000/- to the respondents/claimants is against the weight of evidence and probabilities of the case. The deceased had not died due to the rash and negligent driving of the driver of the subject lorry. On the other hand, the deceased was guilty of negligence. The Tribunal erred in taking the monthly income of the deceased as Rs.6,000/-. Application of multiplier 16 to the age of the deceased is also erroneous and ultimately prayed to allow the appeal as prayed for.

4. On the other hand, the learned counsel for the respondents/claimants would contend that the Tribunal had taken all

the factors into consideration and granted just and reasonable compensation. There are no circumstances to interfere with the same and ultimately prayed to dismiss the appeal.

5. As seen from the evidence adduced on behalf of the respondents/claimants, the deceased—K.Vijayender Raju died in a motor accident that occurred on 12.10.2002, due to the rash and negligent driving of the driver of the lorry bearing registration No.AP-21-T-9990. There is no negligence on the part of the deceased. The same is established by leading cogent and convincing evidence. The Tribunal had rightly held the same.

6. The Tribunal, while granting compensation of Rs.7,98,000/- with interest at the rate of 9% per annum to the respondents/claimants, had taken in the age of the deceased as 32 years, which is based on oral and documentary evidence. There is also ample oral and documentary evidence to substantiate that the deceased was a Police Constable and his monthly salary was Rs.5,152/-, which is demonstrated by filing Ex.A.6-Salary Certificate of the deceased. The Tribunal had taken the monthly income of the deceased as Rs.6,000/- per month and after deducting $1/3^{\text{rd}}$ of the income towards personal expenses, and by applying multiplier 16, granted compensation of Rs.7,68,000/- towards loss of dependency. In addition to the said amount, the Tribunal granted Rs.10,000/- to the 1st respondent (wife of the deceased) towards loss of consortium and Rs.20,000/- to the other respondents/claimants towards loss of love and affection. In all, the Tribunal granted compensation of Rs.7,98,000/- to the respondents/claimants. There is nothing wrong in taking the monthly income of the deceased as Rs.6,000/-, as there

would be natural hike in the salary of a Government employee. Further, the age of the deceased was taken basing on the evidence on record. The compensation granted by the Tribunal in favour of the respondents/claimants is just and reasonable. There are no circumstances to interfere with the same. The appeal is devoid of merit and is liable to be dismissed.

7. In the result, the appeal is dismissed.

Miscellaneous Petitions pending, if any, shall stand closed. No order as to costs.

06th June, 2018
Bvv



Dr. SHAMEEM AKTHER, J