

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

C.M.A.No.4656 of 2004

JUDGMENT:

Aggrieved by the grant of compensation of Rs.80,000/- as against a claim of Rs.2,00,000/- by the II Additional Metropolitan Sessions Judge, Hyderabad-cum-XVI Additional Chief Judge, Hyderabad ('the Tribunal' for brevity), vide order, dated 28.08.2004, passed in O.P.No.524 of 2003, the claimants preferred this appeal under Section 173 of the Motor Vehicles Act, 1988 ('the Act', for brevity) seeking enhancement of compensation.

2. No representation for the appellants-claimants. This appeal is of the year 2004. It underwent several adjournments. Under these circumstances, this appeal can be disposed of on merits without waiting for the learned counsel for the appellants-claimants to advance arguments. Heard the learned Standing Counsel for the 2nd respondent/Insurance Company and perused the record.

3. The learned Standing Counsel for the 2nd respondent-Insurance Company would contend that there are no justifiable grounds to enhance the amount of compensation and prayed to dismiss the appeal.

4. As seen from record, the deceased-Mohd.Rafiuddin died in a motor accident that occurred on 21.12.2002 due the rash and negligent driving of the driver of the lorry bearing registration No.MCU-4439. The claimants are the wife and sons of the deceased. In the grounds of the appeal, the appellants-claimants contended that Ex.A.6-Service certificate of the deceased was not

taken into consideration by the Tribunal while granting compensation. As seen from the evidence on record, the deceased was 60 years old as on the date of accident. The Tribunal, assessed the annual earnings of the deceased as Rs.15,000/- and after deducting $1/3^{\text{rd}}$ towards his personal expenditure and by adopting the correct multiplier 5 for the age of the deceased, awarded an amount of Rs.50,000/- towards loss of dependency. The Tribunal further awarded an amount of Rs.15,000/- to the 1st appellant (wife) towards loss of consortium and Rs.15,000/- to the sons of the deceased towards loss of estate. In all, the Tribunal awarded a compensation of Rs.80,000/- to the appellants-claimants along with interest at the rate of 9% per annum from the date of petition till realisation. The findings of the Tribunal are based on evidence. There is no infirmity in the award passed by the Tribunal. The appeal is devoid of merit and is liable to be dismissed.

5. In the result, the appeal is dismissed.

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

08th June, 2018
Bvv

Dr. SHAMEEM AKTHER, J