

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

M.A.C.M.A No. 488 of 2009

JUDGMENT:

This appeal is arising out of the order dated 08.03.2002 in M.V.O.P. No.473 of 1998 on the file of Motor Vehicles Accidents Claims Tribunal (District Judge), Guntur. The O.P. was filed by the appellants-petitioners under Section 163(A) of Motor Vehicles Act, 1988, claiming compensation of Rs.1,20,000/- on account of the death of Devarakonda Ramaiah, a boy aged about 15 years (hereinafter referred to as 'the deceased') in a motor vehicle accident that occurred on 01.06.1998 at about 5:30 PM, when the deceased was travelling on a cycle rode by one Ramesh, and the cycle was dashed by a City Bus No.TML-8803, driven by its driver in a rash and negligent manner.

2. The Tribunal, on consideration of evidence of witnesses PWs.1 and 2, and the documents Ex.A1 to A5, came to the conclusion that the appellants-petitioners are entitled for compensation of Rs.65,000/- with interest at 9% per annum from the date of petition till realization. Dissatisfied with the quantum of compensation awarded by the Tribunal, the petitioners preferred this appeal seeking enhancement of compensation.

3. Heard Sri Koteswar Rao, learned counsel appearing on behalf of Sri N. Subba Rao, advocate on record for the petitioner; and Sri C. Satya Manjula, learned counsel appearing for the respondent-insurance company.

4. Learned counsel for the petitioner submits that the deceased boy was aged about 15 years and was working as a supplier in a Coffee Hotel and was earning Rs.1,000/- per month, but the Tribunal has erred in taking the income of the deceased as Rs.800/- per month, and therefore requested to take the income of the deceased as Rs.1,000/- and enhance the compensation accordingly.

5. Learned counsel for the respondent-insurance company submits that the petitioners have not produced any authenticate evidence to show that the deceased was earning Rs.1,000/- by working in a Hotel and, therefore, the Tribunal has rightly taken the income of the deceased as Rs.800/- for calculation of compensation and the same does not require interference.

6. On consideration of the facts and circumstances of the case, except the oral testimony of PW.1-father of the deceased, there is no material on record to show that the deceased was earning Rs.1,000/- per month by working in a Hotel. The accident occurred in the year 1998 and the award was passed in the year 2002. Therefore, at this length of time, I do not see any reasons to interfere with the award passed by the Tribunal.

7. **IN THE RESULT**, the appeal is dismissed, confirming the award passed by the Tribunal. The respondent-insurance company shall deposit the compensation amount within four weeks from the date of receipt of a copy of this order and on such deposit the appellants are

permitted to withdraw the amount. Miscellaneous petitions, if any pending, shall stand closed.

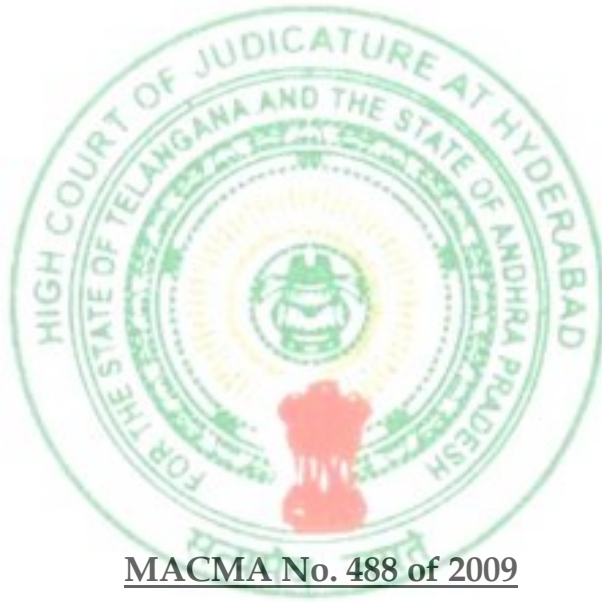
GUDISEVA SHYAM PRASAD, J

14th June, 2018

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