

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.1817 OF 2006

JUDGMENT:

This appeal is filed under Section 173 of the Motor Vehicles Act, 1988 (for short, 'the Act'), by the appellant-APSRTC aggrieved by the order dated 21.07.2005 in O.P.No.658 of 1999 on the file of the Motor Accident Claims Tribunal-cum-I Additional District Judge, Ongole (for short, 'the Tribunal').

2. Heard the learned counsel for the respondents-claimants and perused the record. Though the matter is posted 'for orders', there is no representation for the appellant-APSRTC. This appeal pertains to the year 2006. Hence, it can be disposed of on merits basing on the material available on record.

3. This appeal is filed contending that the Tribunal erred in fixing the annual income of the deceased as Rs.15,000/- and erred in deducting 1/3rd towards personal expenses of the deceased. The deceased himself was dependant to his parents. So, it ought not to have granted compensation of Rs.1,86,750/- to the claimants and ultimately prayed to reduce the compensation.

4. Learned counsel for the respondents-claimants would contend that the Tribunal justified in granting compensation of Rs.1,86,750/- with interest @ 9% per annum. There are no grounds to reduce the compensation and ultimately prayed to dismiss the appeal.

5. There is no dispute with regard to the death of the deceased-Samudrala Vamsi Krishna in a motor accident occurred on

23.09.1999 due to the rash and negligent driving of the driver of APSRTC bus bearing No.AP 10Z 3271. The only dispute is with regard to quantum of compensation.

6. As per the evidence on record, the respondents-claimants are the parents of the deceased. The deceased-Samudrala Vamsi Krishna was 17 years old and he was a student. He succumbed to the injuries caused in a motor accident occurred on 23.09.1999 due to the rash and negligent driving of the driver of APSRTC bus bearing No.AP 10Z 3271, which is supported by ample evidence on record. So, the assessment and grant of compensation of Rs.1,86,750/- with interest @ 9% per annum from the date of petition till realisation for the death of a boy of 17 years studying Intermediate is not excessive. The Tribunal justified in assessing and granting the said compensation with the said rate of interest. 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.

The Miscellaneous Petitions, if any, pending shall stand closed.
No costs.

Dr. SHAMEEM AKTHER, J

Date: 30.07.2018
ssp