

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.431 of 2006

JUDGMENT:

This appeal, under Section 173 of the Motor Vehicles Act, 1988, is filed by the appellants/APSRTC, aggrieved by the grant of compensation of Rs.9,57,827-04 ps. as against a claim of Rs.15,56,150/- to the respondents 1 & 2/claimants, by the Chairman, Motor Accident Claims Tribunal-cum-I Additional District Judge, Nalgonda ('the Tribunal', for brevity), vide order, dated 16.12.2004, passed in O.P.No.1019 of 2001.

2. Heard the learned Standing Counsel for appellant-APSRTC, the learned counsel for respondents 1 & 2/claimants and perused the record.

3. The learned Standing Counsel for the appellant-APSRTC would contend that there was rashness and negligence on the part of the deceased-K.Shankara Shastry in driving the motor cycle. There is no negligence on the part of the driver of the APSRTC bus bearing registration No.AP-10-Z-8200. The amount of compensation and the interest granted thereon by the Tribunal are excessive and ultimately prayed to dismiss the claim as against the appellant-APSRTC by allowing the appeal.

4. On the other hand, the learned counsel for the respondents 1 & 2/claimants would contend that the Tribunal had taken all the relevant factors into consideration and granted just and reasonable

amount as compensation. There is nothing to interfere with the same and ultimately prayed to dismiss the appeal.

5. In view of the submissions made by both the learned counsel, the only point that arises for consideration in this appeal is whether the Tribunal is justified in granting compensation of Rs.9,57,827-04 ps. in favour of the respondents 1 & 2/claimants.

6. To substantiate the claim of the appellants-claimants, 1st appellant/1st claimant-K.Sarala (wife of the deceased) deposed herself as P.W.1 and got examined P.W.2-Sunkari Venkateshwar Rao, who is the eye witness to the occurrence of the accident and got marked Ex.A.1-Certified Copy of F.I.R., Ex.A.2-Certified Copy of Inquest, Ex.A.3-Certified Copy of charge-sheet, Ex.A.4-Certified copy of Post-mortem Examination, Ex.A.5-Pay Slip and Ex.A.6-Attested copy of salary particulars of the deceased. The appellants-claimants have also examined P.W.3-Nadipally Rama Linga Raju, Manager, Syndicate Bank, Kalmalchervu Branch, under whom the deceased was employed. There is specific evidence of P.W.2 with regard to the rashness and negligence on the part of the driver of the APSRTC bus bearing registration No.AP-10-Z-8200. It is supported by criminal case records also. Therefore, the Tribunal rightly held that the deceased died due to rash and negligent driving of the driver of the APSRTC bus bearing registration No.AP-10-Z-8200. The findings of the Tribunal to that effect are based on record.

7. The deceased was a bank employee. P.W.3 was examined to substantiate the same. The Tribunal had taken the deceased's net

salary of Rs.8,284-18 ps. per month, deducted 1/3rd of it towards personal expenses and by applying multiplier '14', awarded an amount of Rs.9,27,827-04 ps. towards loss of contribution of the deceased to his dependants. The Tribunal further granted an amount of Rs.15,000/- towards non-pecuniary damages and Rs.15,000/- to the 1st appellant (wife) towards loss of consortium. In all, the Tribunal granted a compensation of Rs.9,57,827-04 ps. to the appellants-claimants with interest at the rate of 9% per annum from the date of date of petition till realisation. Admittedly, The Tribunal only took the net salary of the deceased into consideration while awarding compensation. Further, the Tribunal did not take into consideration the future hike in the salary of the deceased, though he was still having 14 years and three months of service. The Tribunal also granted meagre amount under conventional heads. Taking all these factors into consideration, granting of compensation of Rs.9,57,827-04 ps. with interest at the rate of 9% per annum from the date of petition till realisation is just and reasonable. Therefore, no interference of this Court is warranted on any score. The appeal is devoid of merit and is liable to be dismissed.

8. In the result, the appeal is dismissed.

Miscellaneous Petitions pending, if any, shall stand closed.

No order as to costs.

19th June, 2018
Bvv

Dr. SHAMEEM AKTHER, J