

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.1001 OF 2006

JUDGMENT:

This appeal, under Section 173 of the Motor Vehicles Act, 1988, is filed by the appellant/National Insurance Company Limited, aggrieved by the grant of compensation of Rs.4,44,680/- as against a claim of Rs.13,00,000/- to the respondents 1 and 2/claimants, by the learned IV Additional Metropolitan Sessions Judge, Hyderabad – cum – XVIII Additional Chief Judge, Hyderabad *vide* order, dated 20.09.2005, passed in O.P.No.1100 of 2002.

2. Heard the learned Standing Counsel for appellant/Insurance Company and perused the record. In spite of service of notice, there is no representation for the respondents 1 and 2/claimants. On 07.06.2018, as there was no representation for both sides, the matter was directed to be posted under the caption “For Orders”. This appeal is of the year 2006. Hence, this appeal can be disposed of on merits without waiting for the learned counsel for the respondents 1 and 2/claimants to advance arguments.

3. Learned Standing Counsel for the appellant/Insurance Company would contend that the Court below had granted compensation of Rs.4,44,680/- as against a claim of Rs.13,00,000/- on account of the death of one K.B.Ravinder Rao (hereinafter, referred to as “the deceased”), which is exorbitant; that the Court below had granted higher rate of interest and applied the wrong multiplier, and ultimately, prayed to reduce the

amount of compensation granted in favour of the respondents 1 and 2/claimants as well as the interest awarded thereon.

4. The Court below was pleased to grant a compensation of Rs.4,44,680/- as against a claim of Rs.13,00,000/- together with interest at the rate of 7.5% per annum on account of the death of the deceased in a motor accident caused due to the rash and negligent driving of the driver of the auto bearing No.AP 9 W 3375. The Court below had taken the net salary of the deceased as Rs.4,710/- per month and from this, 1/3rd amount was deducted towards his personal expenses, and thus, the income of the deceased was rightly taken as Rs.3,240/- per month and his annual income as Rs.38,880/-. The age of the deceased at the time of incident was 50 years. The Court below rightly applied multiplier "11" as per the second schedule. Further, granting interest at the rate of 7.5% per annum by the Court below is justified and the same cannot be reduced. There is evidence on record to show that the claimants are the dependants of the deceased and they are entitled for the compensation on account of the death of the deceased. There is no infirmity in the impugned order. The contentions raised in the appeal do not merit consideration. The Court below had granted just and reasonable compensation to the claimants, who are the wife and son of the deceased. Hence, the appeal is devoid of merit and is liable to be dismissed.

5. Accordingly, this appeal is dismissed. There shall be no order as to costs.

6. Miscellaneous petitions pending, if any, in this appeal shall stand closed.

DR.JUSTICE SHAMEEM AKTHER

Date : 05.07.2018
AMD



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