

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3041 OF 2005

JUDGMENT:

This appeal, under Section 173 of the Motor Vehicles Act, 1988, is filed by the appellant/New India Assurance Company Limited, aggrieved by the grant of compensation of Rs.11,85,000/- as against a claim of Rs.6,00,000/- to the respondents 1 and 2/claimants, by the Chairman, III Motor Accident Claims Tribunal, Warangal (for short, "the Tribunal") *vide* order, dated 30.06.2004, passed in O.P.No.482 of 2001.

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. This appeal is of the year 2005. 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 Tribunal had granted compensation of Rs.11,85,000/- as against a claim of Rs.6,00,000/- on account of the death of one T.Mahaveer Singh (hereinafter, referred to as "the deceased"), which is exorbitant; that the Tribunal had granted interest at the rate of 9% per annum and there are number of decisions wherein the claimants are entitled to interest at the rate of 7.5% per annum only, 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. There is no dispute that the deceased succumbed to injuries suffered in the motor accident that occurred on 04.02.2001 due to the rash and negligent driving of the driver of Lorry bearing No.AP 12 T 6402. The dispute is with regard to assessing and awarding of compensation of Rs.11,85,000/- against the claim of Rs.6,00,000/- and awarding interest at the rate of 9% per annum. In the evidence of P.W.1, who is the wife of the deceased, she deposed that the deceased was working as Multipurpose Health Supervisor of Primary Health Centre, Govindaraopet Village and his gross salary was Rs.13,235/- per month and net salary was Rs.12,700/- per month. Ex.A-11 – copy of salary certificate, dated 02.03.2001, issued by the Medical Officer, Mandal Primary Health Centre reveals the basic pay of the deceased as Rs.9,600/- per month and the gross salary as Rs.13,235/- per month. The Tribunal had taken the multiplier “11” for the age of “54” of the deceased and the same is supported by the evidence on record and the Tribunal ultimately assessed an amount of Rs.11,64,680/- payable towards compensation for loss of future earnings and dependency to the claimants. The Tribunal also granted an amount of Rs.15,000/- towards loss of consortium to the 1st claimant; an amount of Rs.2,500/- towards transportation to hospital, an amount of Rs.2,500/- towards funeral expenses and a sum of Rs.500/- towards damage to clothing and in total, awarded an amount of Rs.11,85,180/-, rounded off to Rs.11,85,000/- with simple interest at the rate of 9% per annum from the date of filing of the petition till the date of deposit or realization. Taking the

gross salary as Rs.13,235/- per month and deducting 1/3rd of the said amount towards expenses of the deceased and applying the multiplier “11”, cannot be faulted with. The Tribunal had granted just and reasonable compensation to the claimants, who are the wife and son of the deceased.

5. The Tribunal did not grant any compensation under the other conventional heads viz., loss of estate and loss of love and affection. Under these circumstances, granting interest at the rate of 9% per annum by the Tribunal is justified and the same cannot be reduced. The appeal is devoid of merit and is liable to be dismissed.

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

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

Date : 02.07.2018
AMD

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