THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. NO.1165 OF 2014

JUDGMENT:

This appeal is preferred by the appellant/insurance company questioning the order of the Motor Accident Claims Tribunal-cum-XI Additional District Judge, Krishna, Gudivada (for short, the Tribunal) in M.V.O.P.No.121 of 2010 dated 05.09.2013.

2. The brief facts of the case are that on 24.11.2006 at about 11.30 PM., one Kakani Harikanth (hereinafter referred to as the deceased) was coming on a motorcycle bearing No.AP16AG 6132 from Vijayawada to Guntur by road on the left side and reached near Muggu Road Centre at Tadepalli Village, at that time, the mini van bearing No.AP16TW 4158, coming in the opposite direction, driven by its driver in a rash and negligent manner, dashed against the motorcycle, due to which, the deceased fell on the road, sustained grievous injuries and died on the spot. The claimant filed a petition, claiming compensation of Rs.10,00,000/- for the death of the deceased.

3. The first respondent in the claim petition remained ex parte. The second respondent filed a counter denying the allegations and contended that the insurance company is not liable to pay any compensation and therefore prayed to dismiss the claim petition.

4. After considering the oral and documentary evidence on record, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the van and awarded Rs.6,15,000/-, with interest at the rate of 7.5%

per annum. Aggrieved by the said order, the appellant/insurance company filed the present appeal.

5. Heard.

6. A perusal of the order reveals that the Tribunal has passed a well considered order by taking into consideration the oral and documentary evidence adduced by either side, but erred in deducting 1/3 from the income of the deceased towards his personal expenses, treating him as married, whereas the deceased being a bachelor, 50% of his income has to be deducted towards personal expenses. Therefore, the loss of income of the deceased is arrived at Rs.36,000/- per annum and if 50% is deducted towards personal expenses and multiplier of 17 is applied, it comes to Rs.3,06,000/- (Rs.18,000/- x 17) towards loss of dependency. Except the above modification, the order passed by the Tribunal remains unchanged.

7. Accordingly, the Motor Accident Civil Miscellaneous Appeal is partly allowed. Miscellaneous petitions pending, if any, shall stand dismissed. No order as to costs.

T.AMARNATH GOUD,J

Date: 04-12-2018.
Shr