HONOURABLE MS. JUSTICE J. UMA DEVI

M.A.C.M.A.No. 1916 OF 2010

JUDGMENT:

1. Having been aggrieved by the order dated 16/04/2010 passed in M.A.T.O.P.No. 1015 of 2008 on the file of Motor Accident Claims Tribunal-cum-Judge-Family Court, Khammam, the present appeal is filed by the A.P.S.R.T.C./respondents 1 and 2 in the above mentioned M.A.T.O.P.

2. The facts of the case are briefly stated as under :

The petitioners are the wife, daughter and son of the deceased. Sri Yelagangula Satyanarayana, who died in a road accident that took place on 29/11/2007 at about 09:00 p.m. near IOC Petrol Bunk, Thallada village and Mandal, Khammam district. The petitioners being the only legal heirs of the deceased have laid the claim for compensation of Rs.5,00,000=00 as against the management of the A.P.S.R.T.C. alleging that on 29/11/2007 at about 09:00 p.m., while the deceased Satyanarayana and another were proceeding on a motor cycle, when the time they reached near I.O.C. Petrol bunk at Thallada, an RTC bus bearing No. AP-11-Z-2575 which was being driven by its driver in a rash and negligent manner came from Hyderabad-side and dashed against the motor cycle on which the deceased and another were proceeding and as the result of it, the rider of the motor cycle and the deceased fell down and sustained injuries. In the said accident, the deceased received severe injuries and died on the spot. The Police of Thallada registered a case in Crime No. 123 of 2007 for an offence punishable under section 304-A of I.P.C., against the driver of RTC bus bearing No. AP-11/Z-2575 of Kothagudem Depot. It was also asserted by the petitioners that the deceased was aged about 42 years by the date of his death, and he was earning Rs.5,000/- per month by doing carpentry work and was maintaining them with that income. As the petitioners lost the love and affection and the earnings of the deceased, they laid the claim against the APSRTC for compensation of Rs.5,00,000=00.

3. The Tribunal on appreciation of evidence of PWs-1 and 2 and Exs. A-1 to A-4 held that the death of the deceased, Yelangangula Satyanarayana occurred due to the injuries received in the accident caused by the driver of RTC bus nearing No. AP-11-Z-2575 and rightly answered the Point No.1, which was framed on the aspect of the negligence. On assessing the income of the deceased roughly at Rs.150/- per day awarded compensation of Rs.5,00,000/-. Having been aggrieved by the award so passed by the court below, APSRTC came before this Court by preferring the present appeal.

4. I have perused the order impugned in this appeal and also the evidence available in the case record.

5. Admittedly, the appellant APSRTC had not examined any witness before the Court below to disprove the testimony of

PW-2. During the course of hearing of the appeal also, no contention was raised by the appellant that the Tribunal erred in holding that the bus driver was responsible for causing the accident. The only contention raised by the appellant-APSRTC was that the multiplier "15" applied by the Tribunal was not the appropriate multiplier, the appropriate multiplier to be applied was '14' and that the Tribunal instead of applying the multiplier '14' applied '15' as appropriate multiplier and awarded compensation of Rs.5,00,000=00 to the petitioners-claimants in respect of the death of the deceased.

6. As per the evidence of PW-1, the wife of the deceased, the deceased was 40 years old by the date of his death. In Ex.A-4 Postmortem Examination Report of deceased, his age was mentioned as 42 years. As no documentary was produced establishing that the deceased was earning Rs.5,000=00 by attending to the work of carpentry, the Tribunal had roughly assessed his income at Rs.150/- per day. The Tribunal in my view had not committed any error in assessing the income of the deceased at Rs.150/- per day. The Tribunal on duly deducting 1/3rd of such income towards his personal and living expenditure, assessed his income contribution to his family at Rs.3,000/-. Per month and per year as Rs.36,000/-.

7. As the evidence on record establishes that the deceased was 45 years by the date of his death, the appropriate multiplier to be applied is "14" but not "15". If the annual loss of

income contribution of the deceased to his family amounting to Rs.36,000/-, is multiplied by “14”, the total loss of income contribution of the deceased to his family comes to Rs.5,04,000/-. Thus, the amount of compensation, which the petitioners are entitled to get under the head of loss of income contribution of the deceased to his family itself exceeds their claim and they are entitled to get the compensation beyond the amount they claimed. As the amount claimed by them is Rs.5,00,000/-, their claim is allowed in toto. There is no un-reasonability in their claim.

8. In the light of my above held discussion, there cannot be any hesitation for me to hold that there is no merit in the appeal filed by A.P.S.R.T.C., therefore, the appeal filed by it fails.

9. Accordingly, the appeal filed by the appellant-APSRTC is hereby dismissed.

10. As a sequel, miscellaneous petitions, if any pending in this appeal, shall stand closed. There shall be no order as to costs.

JUSTICE J. UMA DEVI

01/08/2018
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[RESULT : APPEAL FILED BY THE A.P.S.R.T.C. IS DISMISSED]

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