

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.4483 OF 2008

JUDGMENT:

This appeal is filed under Section 173 of the Motor Vehicles Act, 1988 (for short, 'the Act'), by the appellant-Insurance Company aggrieved by the order dated 08.02.2008 in O.P.No.103 of 2005 on the file of the Motor Accident Claims Tribunal-cum-II Additional Chief Judge, City Civil Court, Hyderabad (for short 'the Tribunal').

2. Heard the learned counsel for appellant-Insurance Company, the learned counsel for respondents-claimants and perused the record.

3. Learned counsel for the appellant-Insurance Company would contend that the Tribunal applied multiplier '11' instead of '9' for the age of fifty five years three months and granted excess compensation and ultimately prayed to reduce the same.

4. On the other hand, learned counsel for the respondents-claimants would contend that the Tribunal had taken the correct multiplier for the age of fifty five years three months. There is no infirmity in the order under challenge. The Tribunal granted just and reasonable compensation. There are no grounds to interfere with the compensation and ultimately prayed to dismiss the appeal.

5. In view of the submissions made by both sides, the only point that arises for determination is, whether the compensation awarded by the Tribunal is liable to be reduced?

6. There is no dispute with regard to the death of the deceased-K.Suryanarayana in a motor accident occurred on

25.10.2004 due to the rash and negligent driving of the driver of lorry bearing No.AP-16X-1989. The only dispute is with regard to quantum of compensation.

7. As per the evidence on record, the age of the deceased-K.Suryanarayana was fifty five years three months. As per the decision of the Apex Court in *Smt.Sarla Verma and others Vs. Delhi Transport Corporation and another*¹, the suit multiplier for the age between 51 to 55 is '11' and 56 to 60 is '9'. When the deceased was fifty five years three months old, taking the multiplier '11' cannot be held incorrect. There is no infirmity in the order under challenge.

8. As far as grant of compensation is concerned, the Tribunal granted an amount of Rs.2,73,500/- to the appellants. The deceased was 55 years old. Hence, the grant of compensation of Rs.2,73,500/- with interest @ 7.5% per annum cannot be said to be excessive. There are no merits in the appeal. The appeal is liable to be dismissed.

9. In the result, the appeal is dismissed.

The Miscellaneous Petitions, if any, pending shall stand closed.
No costs.

Dr. SHAMEEM AKTHER, J

Date: 30.07.2018
ssp

¹ 2009 (6) SCC 121