

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

C.M.A. NO.4504 OF 2004

JUDGMENT:

This appeal is filed by the petitioners in M.V.O.P. No.573 of 2000 on the file of the Motor Vehicles Accidents Claims Tribunal, Guntur, seeking enhancement of compensation. The petitioners filed the petition for an amount of Rs.1,00,000/- for the death of one A.Nagaratnamma, wife of 1st petitioner and mother of petitioners 2 to 4, in a motor accident that occurred on 9.5.2000 while the deceased along with others, was travelling in Tractor No.A.P.27T-9825 and Tractor No.A.P.27T-9876 along with house hold articles from Chirumamilla to go to Patamagalur village on the left side of Narsaraopet to Vinukonda road. When they reached near Lakshmipuram village, the driver of the lorry bearing registration No.A.P.16W-5252 drove in a rash and negligent manner and dashed the Tractor and Tractor in the opposite direction. In the said accident, the deceased died on the way to hospital. A case in Crime No.18 of 2000 was registered in respect of the said accident. After filing the written statement, the 1st respondent remained ex parte and the 2nd respondent contested the case. It was pointed out that in the absence of owner of the Tractor and Tractor, the petition is not maintainable. Apart from other

things, the 2nd respondent stated that the driver of the lorry was not negligent.

2. On the above pleadings, the following issues were framed for trial:

“1. Whether the accident occurred due to rash and negligent driving of the driver of Lorry bearing registration No.A.P.16W-5252?

2. Whether the petitioners are entitled to compensation and if so, to what amount and against whom?

3. To what relief?”

3. It was alleged that the deceased used to earn Rs.50/- per day doing coolie work and in the absence of any documentary evidence, the income of the deceased was taken as Rs.15,000/- p.a. as per second schedule appended to Section 163-A of M.V. Act. The age of the deceased was varying from Ex.A2, A3 and A5. As the age of the husband of the deceased was mentioned as 55 years, the age of the deceased was taken as 50 years by the date of accident. Out of an amount of Rs.15,000/-, 1/3rd was deducted towards her personal expenses and applying multiplier 6, the loss was assessed as Rs.60,000/- apart from awarding an amount of Rs.4,000/- towards funeral expenses.

4. On a careful perusal of the facts of the case and the income of the deceased, this Court sees no ground to interfere

with the award passed by the Tribunal and the appeal is accordingly, dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

A. RAMALINGESWARA RAO,J

Date: 22.3.2018

KPM

