THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.1709 of 2005

JUDGMENT:

This appeal, under Section 173 of the Motor Vehicles Act, 1988, is filed by the appellant/United India Insurance Company Limited, aggrieved by the grant of compensation of Rs.1,89,500/- as against a claim of Rs.2,00,000/- to the respondents 1 to 5/claimants, by the Chairman, Motor Accident Claims Tribunal-cum-IV Additional District Judge, Karimnagar ('the Tribunal', for brevity), vide order, dated 19.04.2005, passed in O.P.No.308 of 2004.

2. Heard the learned Standing Counsel for appellant-Insurance Company, the learned counsel for respondents 1 to 5/claimants and perused the record.

3. The learned Standing Counsel for the appellant-Insurance Company would contend that the Tribunal had taken the monthly income of the deceased-Y.Ramakrishna as Rs.4,000/-, which is excessive. The Tribunal granted interest at the rate of 9% per annum on the amount granted as compensation, which is also excessive and ultimately prayed to reduce the amount of compensation granted in favour of respondents 1 to 5/claimants.

4. On the other hand, the learned counsel for respondents 1 to 5/claimants would contend that the Tribunal had taken all the factors into consideration and awarded just and reasonable

amount towards compensation. There are no circumstances to interfere with the same ultimately prayed to dismiss the appeal.

5. It is not in dispute that the deceased-Y.Ramakrishna died in a motor accident that occurred on the intervening night of 27/28-05-2003 due to the rash and negligent driving of 6th respondent-driver of the lorry bearing registration No.AP-16-TT-7440. As per the records, the deceased was 52 years old and working as Watchman at CSP-I Godavarikhani as on the date of accident. The Tribunal, relying on the oral and documentary evidence on record, had taken age of the deceased as 52 years, monthly income as Rs.4,000/-, deducted 1/3rd of it towards personal expenses, applied multiplier 11 to the age of the deceased and granted an amount of RS.1,70,000/- towards loss of earnings and dependency. The Tribunal further awarded an amount of Rs.10,000/- towards compensation for mental agony, Rs.5,000/- towards loss of consortium, Rs.2,000/- towards funeral expenses and Rs.2,500/- towards loss of estate. In all, the Tribunal awarded a compensation of Rs.1,89,500/- to the respondents 1 to 5/claimants with 9% interest per annum from the date of petition till the date of deposit.

6. As per the records, there are five dependants on the deceased. As per the decision of the Apex Court in Sarla Verma v. Delhi Transport Corporation[1], 1/4th of the monthly income of the deceased has to be deducted towards personal expenses in the cases of this nature. However, the Tribunal

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[1] AIR 2009 SC 3104

deducted 1/3rd of the monthly income of the deceased towards his personal expenses. The Tribunal granted interest at the rate of 9% per annum from the date of petition till the date of deposit. There is catena of decisions, wherein, interest at the rate of 7.5% per annum on the amount of compensation was awarded in the cases of this nature. Since the Tribunal did not deduct 1/4th of the monthly income of the deceased towards his personal expenditure as per the settled legal position, award of interest at the rate of 9% per annum on the amount granted as compensation is just and reasonable. Under these circumstances, there is nothing to vary the award passed by the Tribunal. There are no merits in the submissions of the learned counsel for respondents 1 to 5/claimants. The appeal is devoid of merit and is liable to be dismissed.

7. In the result, the appeal is dismissed.

Miscellaneous Petitions pending, if any, shall stand closed. No order as to costs.

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Dr. SHAMEEM AKTHER, J

14th June, 2018
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