

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3738 of 2005

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 05.08.2005 in O.P.No.371 of 2001 on the file of the Motor Accident Claims Tribunal-cum-VI Additional District Judge (Fast Track Court), Anantapur at Gooty (for short 'the Tribunal').

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

3. Learned counsel for the appellant-Insurance Company would contend that the Tribunal erred in taking the monthly income of the deceased at Rs.3,000/- and that the grant of compensation of Rs.1,80,000/- is exorbitant and ultimately, prayed to enhance the same.

4. Learned counsel for the respondents-claimants would contend that the Tribunal is justified in granting compensation and ultimately, prayed to dismiss the appeal.

5. There is no dispute with regard to the death of the deceased-S.Abdul rawoof in a motor accident that occurred on 05.09.2001 due to the rash and negligent driving of the driver of lorry bearing No.AP-05-T-1914. The only dispute is with regard to the quantum of compensation.

6. As per the evidence available on record, the deceased was 50 years old and he was a mechanic. The Tribunal took his monthly income at Rs.3,000/-, deducted 1/3<sup>rd</sup> thereof towards his

personal expenses, applied multiplier of '7.680' and assessed the compensation at Rs.1,84,320/-, but it restricted the same to Rs.1,80,000/-, as per the claim made by the claimants. The said grant of compensation for the death of the deceased is not excessive, as he was a mechanic at the time of accident. Therefore, the Tribunal is justified in granting the said compensation. There are no grounds to interfere with the same.

7. Hence, the appeal is dismissed.

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

Date: 01.10.2018  
ssp

Dr. SHAMEEM AKTHER, J

