

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.1803 of 2008

JUDGMENT:

This appeal, under Section 173 of the Motor Vehicles Act, 1988, is filed by the appellant-APSRTC, challenging the Order, dated 14.02.2008, passed in M.V.O.P.No.1072 of 2005 by the Chairman, Motor Accident Claims Tribunal-cum-Principal District Judge, East Godavari District at Rajahmundry ('the Tribunal', for brevity).

2. Heard the learned Standing Counsel for appellant-APSRTC, the learned counsel for respondents 1 & 2/claimants and perused the record.

3. The learned counsel for the appellant-APSRTC would contend that the Tribunal granted excessive compensation of Rs.2,37,000/- as against a claim of Rs.5,00,000/- and ultimately prayed to reduce the same.

4. On the other hand, the learned counsel for the respondents 1 & 2/claimants would contend that the Tribunal had taken all the relevant factors into consideration and granted just and reasonable amount as compensation. There are no circumstances to enhance the same and ultimately prayed to dismiss the appeal.

5. In view of the submissions made by both the learned counsel, the point that arises for consideration in this appeal is whether the compensation awarded by the Tribunal is liable to be reduced.

6. As per the evidence and the documents placed on record, the deceased-N.Suribabu, aged 35 years, died in a motor accident

occurred on 13.12.2003, due to rash and negligent driving of the driver of the APSRTC bus bearing registration No.AP-10-Z-5472. The only dispute is with regard to quantum of compensation. The Tribunal took the income of the deceased as Rs.18,000/- per annum, deducted 1/3rd of it towards personal expenses and by applying appropriate multiplier '17', granted Rs.2,04,000/- towards loss of dependency in favour of the respondents 1 & 2/claimants. The Tribunal further granted Rs.15,000/- towards loss of consortium to the 1st respondent-1st claimant (wife), Rs.15,000/- towards loss of estate, Rs.2,500/- towards funeral expenses and Rs.500/- towards transportation of dead body. In all, the Tribunal granted a compensation of Rs.2,37,000/- in favour of the respondents 1 & 2/claimants, which is just and reasonable. There are no circumstances to interfere with the same. The appeal is devoid of merit and is liable to be dismissed.

7. Accordingly, the appeal is dismissed. No costs. The respondents 1 & 2/claimants are permitted to withdraw the amount deposited by the appellant-APSRTC with interest accrued thereon, if not already withdrawn.

Miscellaneous Petitions pending, if any, shall stand closed.

12th July, 2018
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Dr. SHAMEEM AKTHER, J