

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

**M.A.C.M.A. No.625 of 2009
And
Cross-objections (SR).No.14138 of 2009**

COMMON JUDGMENT :

Aggrieved by the order and decree dated 08.02.2008 in M.V.O.P.No.80 of 2007 passed by the Motor Vehicles Accidents Claims Tribunal (District Judge), Guntur, awarding compensation of Rs.4,33,000/- with interest @ 7% per annum as against the claim of Rs.6,01,500/- made by the claim petitioners for the death of their son – Gude Venkata Chalamaiah in a Bus accident that occurred on 11.12.2006, while the A.P. State Road Transport Corporation (for brevity “the Corporation”) filed appeal contending that the compensation awarded by the Tribunal is highly excessive and exorbitant, the claim petitioners have filed Cross-objections contending that the compensation awarded by the Tribunal is very low.

The claim petition in MVOP.No.80 of 2007 was filed by the petitioners under Sections 163 and 166 of the Motor Vehicles Act claiming compensation of Rs.6,01,500/- on account of the death of their son – Gude Venkata Chalamaiah in a Bus accident on 11.12.2006; while the deceased was returning from his college on bicycle, near the Bridge of Kaleshwara Rao Market, the accident occurred due to the

rash and negligent driving by the drive of the bus. The Tribunal, on consideration of the evidence of witnesses PWs.1 to 3 and the documents under Exs.A.1 to A.9 and also the evidence of RW.1, by the aforesaid judgment and decree dated 08.02.2008 awarded a compensation of Rs.4,33,000/- with interest @ 7% per annum from the date of petition till the date of realization with a direction to the respondent therein to deposit compensation into the Tribunal within two months.

Heard the arguments of Sri P. Durga Prasad, learned Standing Counsel for the appellant-Corporation as well as Sri P. Somayajulu, counsel representing Sri P.R. Prasad, learned counsel for the cross-objectors/claim petitioners and perused the material on record.

The point for consideration in this appeal is, whether the compensation awarded by the Tribunal is excessive?

Learned Standing Counsel for the appellant-Corporation mainly contended that the deceased was a boy, aged about 18 years, and he was a student, but the Tribunal has taken his income as Rs.4,000/- per month, which is highly excessive and, therefore, sought for reduction of the same while awarding compensation.

On the other hand, learned counsel for the cross-objectors/claim petitioners submits that the compensation awarded by the Tribunal is inadequate for the reason that the

conventional expenses were awarded only at Rs.25,000/- and, therefore, sought for enhancement of compensation.

After considering the arguments of learned counsel for the respective parties, it is obvious that the Tribunal has awarded inadequate compensation towards Conventional Heads, like Loss of Estate, transportation and funeral expenses. Therefore, the conventional expenses are enhanced from Rs.25,000/- to Rs.70,000/- keeping in view the ratio laid down in the case of NATIONAL INSURANCE COMPANY LIMITED v. PRANAY SETHI¹.

It is pertinent to note here that after the death of the deceased, the minimum expenditure incurred by the parents of the deceased were fixed at Rs.70,000/-. Therefore, instead of Rs.25,000/-, an amount of Rs.70,000/- is awarded to the cross-objectors/claim petitioners towards conventional expenses.

Accordingly, while dismissing the Civil Miscellaneous Appeal filed by the Corporation, the Cross-objections filed by the claim petitioners are allowed in part enhancing the compensation from Rs.4,33,000/- to Rs.4,78,000/- with proportionate costs and interest @ 7% per annum from the date of petition till realization. The appellant-Corporation is directed to deposit the entire amount of compensation within one month from the date of receipt of a copy of this judgment.

¹ 2017 SCC OnLine SC 1270

On such deposit, the respondents/claim petitioners are permitted to withdraw their share of compensation amount as apportioned by the Tribunal.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

GUDISEVA SHYAM PRASAD, J

14.06.2018.
Msr



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