

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2619 of 2007

JUDGMENT:

This appeal is filed under Section 173 of the Motor Vehicles Act, 1988, by the appellant-APSRTC aggrieved by the order dated 02.11.2006 passed in M.V.O.P.No.231 of 2005 on the file of the Motor Accident Claims Tribunal-cum-I Additional Chief Judge, City Civil Court, Secunderabad.

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

3. Learned Standing Counsel for the appellant-APSRTC would contend that the Tribunal had granted excess compensation and ultimately prayed to set aside the same.

4. Learned counsel for the respondents-claimants supported the order of the Tribunal and ultimately prayed to dismiss the appeal.

5. Death of the deceased in a road accident occurred on 22.04.2005 due to rash and negligent driving of driver of APSRTC bus bearing No.AP 11 Z 3184, is not in dispute. The dispute is only with regard to the quantum of compensation. As seen from the material placed on record, the deceased was an agriculturist, aged 30 years. The same is substantiated by oral and documentary

evidence. The Tribunal had taken Rs.36,000/- as annual income of the deceased. After deducting $1/3^{\text{rd}}$ from the said amount towards the personal expenses of the deceased, the Tribunal assessed Rs.24,000/- as contribution to his family and after applying multiplier '13', calculated the compensation at Rs.4,08,000/-. Since the claimant claimed Rs.4,00,000/- as compensation, the Tribunal had restricted the compensation to Rs.4,00,000/- and awarded the same with interest @ 7.5% per annum. There is no infirmity in the impugned order. There is nothing to take a different view. The appeal is devoid of merit and is liable to be dismissed.

6. In the result, the appeal is dismissed.

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

Dr. SHAMEEM AKTHER, J

25th June, 2018
ssp