

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.1009 OF 2006

JUDGMENT:

This appeal is filed under Section 173 of the Motor Vehicles Act, 1988 (for short, 'the Act'), by the appellants-claimants aggrieved by the order dated 07.10.2005 in O.P.No.2625 of 2003 on the file of the Motor Accident Claims Tribunal-cum-II Additional Chief Judge, City Civil Court, Hyderabad (for short 'the Tribunal').

2. Though the matter is posted 'for orders', there is no representation for both sides. This appeal is of the year 2006. It underwent several adjournments. So, this appeal can be disposed of on merits basing on the material available on record.

3. This appeal is filed by the parents of the deceased-Miss D.G.Kezia Sushama, who died in a motor accident occurred on 17.08.2003 due to the rash and negligent driving of the driver of the school bus bearing No.AP 28 T 0157. The appellants claimed compensation of Rs.15,00,000/-. The Tribunal was pleased to grant an amount of Rs.6,97,000/- with interest @9% per annum from the date of filing of the petition till the date of deposit.

4. It is contended in the appeal grounds that the Tribunal had granted meagre compensation. The Tribunal ought to have taken the monthly income of the deceased as Rs.10,000/- in assessing the compensation and also ought to have granted interest @ 12% per annum.

5. As seen from the record, there is no dispute with regard to the deceased succumbed to the injuries sustained in the motor accident occurred on 17.08.2003 due to the rash and negligent driving

of the driver of the school bus bearing No.AP 28 T 0157. The only dispute is with regard to the quantum of compensation.

6. The deceased was a spinster. The claimants are parents and sister of the deceased. The Tribunal while dealing with the subject matter of the claim petition, took the age of the deceased as 23 years basing on the oral and documentary evidence and applied multiplier '17'. In view of the decision rendered in *Smt.Sarla Verma and others Vs. Delhi Transport Corporation and another*¹, the suitable multiplier to the age of 23 years is '17'. Further, the Tribunal had taken the monthly earnings of the deceased as Rs.5,000/-, deducted 1/3rd towards personal expenses, applied suitable multiplier and assessed the compensation payable to the claimants at Rs.6,80,136/- towards loss of dependency. The Tribunal also awarded Rs.15,000/- towards loss of love and affection and Rs.2,000/- towards funeral expenses. In total, the Tribunal granted Rs.6,97,000/- towards compensation. There is justification in arriving at such amount of compensation. There are no circumstances to interfere with the order under challenge. The appeal is devoid of merit and is liable to be dismissed.

7. In the result, the appeal is dismissed.

The Miscellaneous Petitions, if any, pending shall stand closed.

No costs.

Dr. SHAMEEM AKTHER, J

Date: 19.07.2018
ssp

¹ 2009 (6) SCC 121