

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3698 of 2005

JUDGMENT:

This appeal, under Section 173 of the Motor Vehicles Act, 1988 ('the Act', for brevity), is filed by the appellant-the United India Insurance Company Limited, challenging the order, dated 21.09.2005, passed in O.P.No.288 of 2004 by the Chairman, Motor Accident Claims Tribunal-cum-Principal District Judge, Medak at Sangareddy.

2. Heard the learned counsel for both sides and perused the record.

3. The learned Standing Counsel for the appellant-Insurance Company would contend that the Tribunal erred in taking the monthly income of the deceased as Rs.3,000/- without there being any evidence on record to that effect. The deceased was not an earning member. The Tribunal granted excess compensation in favour of the claimants and ultimately prayed to allow the appeal by setting aside the order under challenge.

4. On the other hand, the learned counsel for the respondents 1 and 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 interfere with the impugned order and ultimately prayed to dismiss the appeal by confirming the order under challenge.

5. It is not in dispute that the deceased-R.Praveen died in the subject accident occurred on 05.07.2002, due to rash and negligent driving of the driver of the lorry bearing registration No.AP-37-T-3646. The only dispute is with regard to the assessment and award of compensation in favour of the respondents 1 and 2/claimants.

6. As per the evidence on record, the deceased-R.Praveen was 20 years old as on the date of accident. The Tribunal took the monthly income of the deceased as Rs.3,000/-, deducted 1/3rd of it towards personal expenses of the deceased, applied multiplier 10.45 (as applicable to the age of the mother of the deceased, since the deceased was a bachelor as on the date of subject accident) and granted a compensation of Rs.2,40,000/- with interest @ 7.5% per annum from the date of petition till realisation. Grant of compensation of Rs.2,40,000/- with interest @ 7.5% per annum from the date of petition till realisation for the death of a man aged 20 years and who is an agriculturist cannot be held to be excessive. 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. No costs.

Miscellaneous Petitions pending, if any, shall stand closed.

06th September, 2018
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Dr. SHAMEEM AKTHER, J