

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2720 OF 2005

JUDGMENT:

This appeal is filed under Section 173 of the Motor Vehicles Act, 1988 (for short, 'the Act'), by the appellant-Insurance Company aggrieved by the order dated 05.04.2005 in O.P.No.67 of 2004 on the file of the Motor Accident Claims Tribunal-cum-III Additional District Judge, Warangal (for short, 'the Tribunal').

2. Heard the learned counsel for appellant-Insurance Company and perused the record. There is no representation for the respondents-claimants. This appeal pertains to the year 2005. Hence, it can be disposed of on merits basing on the material available on record.

3. Learned counsel for the appellant-Insurance Company would contend that the Tribunal had taken the monthly income of the deceased at Rs.3,000/-. As per the record, the deceased was a toddy tapper, aged 33 years. The Tribunal applied the multiplier of '17' instead of '16'. He also contended that the Tribunal had granted excess rate of interest and ultimately prayed to reduce the same.

4. There is no dispute with regard to the death of the deceased-Ponnam Mallaiah in a motor accident occurred on 11.09.2003 due to the rash and negligent driving of the driver of auto trolley bearing No.AP 36 V 7696. The only dispute is with regard to the assessment and grant of compensation.

5. The Tribunal granted a total compensation of Rs.4,00,000/-, which is disputed herein. As the deceased was a toddy

tapper, the Tribunal had rightly taken the monthly income of the deceased at Rs.3,000/-. The accident was occurred on 11.09.2003. The conditions and the cost of living which prevailed then are required to be taken into consideration while assessing and granting the compensation to the claimants. The Tribunal assessed the compensation at Rs.4,26,000/- but restricted the same to Rs.4,00,000/- as claimed in the O.P., by taking the monthly salary of the deceased at Rs.3,000/-. In the circumstance of the case, granting interest @ 9% per annum by the Tribunal, cannot be found faulted with.

6. In the result, the appeal is dismissed.

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

Date: 02.08.2018
ssp

Dr. SHAMEEM AKTHER, J

