THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3209 of 2005

JUDGMENT:

This appeal, under Section 173 of the Motor Vehicles Act, 1988 ('the Act', for brevity), is filed by the appellant/APSRTC, challenging the order, dated 27.01.2005, passed in O.P.No.647 of 2002 by the Chairman, III Motor Accident Claims Tribunal, Warangal ('the Tribunal', for brevity).

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

3. The learned Standing Counsel for appellant-APSRTC would contend that the Tribunal granted excess compensation and also excess rate of interest @ 9% per annum from the date of petition till the date of deposit or realisation on the amount granted as compensation and ultimately prayed to reduce the compensation and the rate of interest awarded on the compensation.

4. On the other hand, the learned counsel for the respondents-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 vary the same and ultimately prayed to dismiss the appeal by confirming the Order under challenge.

5. As per the material placed on record, the deceased-M.Mallaiah, aged 27 years, died in a motor accident occurred on

14.12.2001, due to the rash and negligent driving of the driver of the APSRTC bus bearing registration No.AP-10-Z-2559. The Tribunal, after analysing the entire evidence on record, though assessed the compensation payable to the respondents-claimants at Rs.8,98,500/-, granted Rs.5,00,000/- only with interest @ 9% per annum from the date of petition till the date of deposit or realisation, as the total claim was for Rs.5,00,000/- only, as detailed below.

1.	Loss of dependency	Rs.8,64,000/-
2.	Loss of consortium	Rs.20,000/-
3.	Loss of love and affection	Rs.5,000/-
4.	Medical expenses	Rs.5,000/-
5.	Transport expenses	Rs.2,000/-
6.	Funeral expenses	Rs.2,500/-
	TOTAL COMPENSATION RESTRICTED TO CLAIM	Rs.8,98,500/- Rs.5,00,000/-

6. The deceased-M.Mallaiah was aged 27 years as on the date of accident. He was an agriculturist. The Tribunal assessed the loss of dependency at Rs.72,000/- per annum, deducted 1/3rd of it towards personal expenses of the deceased and by applying multiplier '18', assessed an amount of Rs.8,64,000/- towards loss of dependency. The Tribunal further added Rs.30,000/- under conventional heads and ultimately assessed the compensation payable to the respondents-claimants at Rs.8,98,500/-, but granted Rs.5,00,000/- only with interest @ 9% per annum from the date of petition till the date of deposit or realisation, as the total claim was for Rs.5,00,000/- only. The findings of the Tribunal are based on evidence on record. The Tribunal is justified in granting the said compensation to the respondents-claimants. There is nothing to interfere either with

the compensation or with the interest awarded on the compensation. The appeal is devoid of merit and is liable to be dismissed.

7. In the result, the appeal is dismissed.

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

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Dr. SHAMEEM AKTHER, J

30th July, 2018
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