

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

M.A.C.M.A.Nos.160 OF 2011 & 2094 OF 2007

COMMON JUDGMENT:

Since the facts of the case, issues involved and the accident in both these appeals are one and the same, both the appeals are being disposed of by way of this common judgment.

2. M.A.C.M.A.Nos.160 of 2011 and 2094 of 2007, under Section 173 of the Motor Vehicles Act, 1988, are filed by the appellants/the New India Assurance Company Limited aggrieved by the grant of compensation of Rs.1,56,000/- as against a claim of Rs.2,50,000/-; and Rs.2,14,000/- as against a claim of Rs.3,00,000/- respectively by the learned Chairman, Motor Accident Claims Tribunal – cum – III Additional District Judge, Kurnool at Nandyal (for short, “the Tribunal”) *vide* orders, dated 31.10.2006, passed in M.V.O.P.Nos.11 and 10 of 2006 respectively.

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

4. Learned Standing Counsel for the appellants/Insurance Company in both the appeals would contend that there was no rashness or negligence on the part of the driver of the A.P. Tourism Bus bearing No.AP 09-W-1348/offending vehicle; that the compensation awarded by the Tribunal is on higher side and ultimately, prays to set aside the same and allow the appeals.

5. Learned counsel for the claimants in both the appeals would contend that the Tribunal is justified in granting the

compensation; that there are no circumstances to interfere with the same and ultimately, prays to dismiss the appeals.

6. It is evident from the record that both the deceased viz., Shaik Khasim Bi and Shaik Mahaboob Bi died due to the rash and negligent driving of the driver of A.P. Tourism Bus bearing No.AP 09-W-1348. There is ample evidence on record to prove that the deceased died due to the rash and negligent driving of the driver of A.P. Tourism Bus bearing No.AP 09-W-1348. The Tribunal had analyzed the entire evidence and gave a finding to that effect. There are no circumstances to interfere with the same.

7. Insofar as compensation awarded in M.V.O.P.No.11 of 2006, which is subject matter of M.A.C.M.A.No.160 of 2011 is concerned, the Tribunal had taken the age of the deceased Shaik Khasim Bi as 50 years, her income as Rs.1,500/- per month i.e., Rs.18,000/- per annum and after deducting 1/3rd thereof towards her personal expenses, it had taken the contribution of the deceased as Rs.12,000/- per annum and by applying the multiplier "13", the Tribunal had rightly awarded the total compensation of Rs.1,56,000/- along with interest at the rate of 7.5% percent per annum from the date of petition till the date of payment and the same is just and reasonable.

8. Insofar as the compensation awarded in M.V.O.P.No.10 of 2006, which is subject matter of M.A.C.M.A.No.2094 of 2007 is concerned, the Tribunal had taken the age of the deceased Shaik Mahaboob Bi as 35 years, her income as Rs.1,500/- per month i.e., Rs.18,000/- per annum and after deducting 1/3rd thereof

towards her personal expenses, it had taken the contribution of the deceased as Rs.12,000/- and by applying the multiplier “17”, awarded an amount of Rs.2,04,000/- towards loss of dependency. The Tribunal also awarded an amount of Rs.10,000/- towards loss of consortium and in total, the Tribunal rightly awarded the compensation of Rs.2,14,000/- along with the interest at the rate of 7.5% percent per annum from the date of petition till the date of payment and the same is not excessive. Basing on the oral and documentary evidence on record, the Tribunal held so. There is no infirmity in the impugned orders. The contentions raised in the appeals do not merit consideration. There is nothing to find that the compensation granted by the Tribunal is excessive. The Tribunal had granted just and reasonable compensation to the claimants. There are no circumstances to interfere with the same. Hence, the appeals are devoid of merits and are liable to be dismissed.

9. Accordingly, both the appeals are dismissed. There shall be no order as to costs.

10. Miscellaneous petitions pending, if any, in these appeals shall stand closed.

DR.JUSTICE SHAMEEM AKTHER

Date : 16.07.2018
AMD

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