THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2021 of 2006
and
I.A.No.2 of 2010
(Cross Objections No.220952 of 2010)

JUDGMENT:-

This appeal is filed under Section 173 of the Motor Vehicles Act, 1988 (for short, 'the Act'), by the appellant-APSRTC (now 'TSRTC') aggrieved by the Order, dated 05.09.2005, passed in O.P.No.401 of 2003 by the Motor Accident Claims Tribunal-cum-Principal District Judge, Nalgonda (for short 'the Tribunal') and the claimants preferred I.A.No.2 of 2010 (Cross Objections No.220952 of 2010) seeking for enhancement of compensation.

2. Heard the learned counsel for both sides and perused the record. For clarity and convenience, the parties will be hereinafter referred to as per their array before the Tribunal.

3. The learned Standing Counsel for appellant–TSRTC would contend that the Tribunal did not apply the appropriate multiplier and also took the age of the deceased correctly and granted excess compensation and ultimately prayed to reduce the same.

4. On the other hand, the learned counsel for respondents/claimants would contend that the Tribunal ought to have granted Rs.7,50,000/- and ultimately prayed to enhance the compensation.

5. There is no dispute with regard to the deceased Mohd.Siraj Hussain succumbed to the injuries suffered in a motor accident occurred on 30.03.2003 due to the rash and

negligent driving of TSRTC bus bearing No.AP-10-Z-7998. There is ample evidence on record to establish the same. The only dispute is with regard to the assessment and grant of compensation.

6. The Tribunal while dealing with the subject matter of the claim petition, granted compensation of Rs.7,00,000/- i.e., total amount claimed by the claimants. The deceased was working as Attender in Government Primary School, Labour Colony, Nagarjuna Sagar who succumbed to the injuries in the accident, occurred on 30.03.2003. As per the record, the deceased was 42 years old. The Tribunal took the annual income of the deceased as Rs.71,460/-, deducted 1/3rd towards his personal expenses, applied multiplier '15' and assessed Rs.7,14,600/- towards loss of dependency and then some amount was added towards loss of estate, loss of consortium, etc., and ultimately the Tribunal assessed compensation payable at Rs.7,24,100/-. Since the claimants have claimed compensation of Rs.7,00,000/-, the same was awarded by the Tribunal with interest @ 7.5% per annum. Basing on the pleadings of the claimants, they are entitled for compensation of Rs.7,00,000/-. In view of the facts and circumstances of the case, there is nothing wrong in awarding compensation of Rs.7,00,000/- with interest @ 7.5% per annum. Hence, this Court is of the view that no interference is required in the Order under challenge. The appeal filed by the TSRTC is devoid of merit and is liable to be dismissed.

7. As far as cross-objections filed by the claimants is concerned, while calculating and awarding the compensation, the Tribunal granted just and reasonable compensation i.e., the entire amount of compensation claimed. Hence, the cross-objections filed by the claimants do not merit consideration and are liable to be dismissed.

8. In the result, the appeal filed by the TSRTC, and the cross-objections (I.A.No.2 of 2010) filed by the claimants, are dismissed.

Miscellaneous petitions, if any, pending in both these appeals, stand closed. No order as to costs.

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Dr. SHAMEEM AKTHER, J

Date: 24.07.2018
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