

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. NO.2570 OF 2014

JUDGMENT:

This appeal is preferred by the appellants/APSRTC questioning the order of the Motor Accident Claims Tribunal-cum-Chief Judge, City Civil Courts, Hyderabad (for short, the Tribunal) in M.V.O.P.No.2020 of 2010 dated 06.05.2013.

2. The brief facts of the case are that on 05.05.2010 at about 7.30 pm., while one Mahender Kumar (hereinafter he is referred to as the deceased) was traveling in an auto bearing No.AP4V 9300 from Ibrahimpatnam to go to Mogullavampu Village, and when the said auto reached near Gungal Gate on Sagar Road, one APSRTC bus bearing No.AP11Z 1745 came in a rash negligent manner and dashed the said auto. In the said accident, the deceased sustained bleeding injuries all over the body and died on the spot. The respondents/claimants who are wife, daughter, sons, mother and father of the deceased, filed the claim petition seeking compensation of Rs.10,00,000/- for the death of the deceased.

3. In the claim petition, the appellants-RTC filed a counter denying the allegations and contended that the amount claimed by the claimants is highly excessive and that they are not liable to pay any compensation and therefore prayed to dismiss the claim petition.

4. After considering the oral and documentary evidence on record, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the

RTC bus and awarded total compensation of Rs.5,92,000/- under various heads, with interest at the rate of 6% per annum. Aggrieved by the said order, the appellants/RTC filed the present appeal.

5. Sri C.Sunil Kumar Reddy, learned Standing Counsel for RTC, submitted that though the Second Schedule to Section 163-A of the Motor Vehicles Act, 1988 contains a table prescribing the compensation to be awarded with reference to the age and income of the deceased and that it specified the amount of compensation to be awarded with reference to the annual income range of Rs.3,000/- to Rs.40,000/-, the Tribunal taken the annual income of the deceased at Rs.50,000/-, which is excessive and sought to reduce the awarded amount.

6. Sri K.Dhanunjaya Reddy, learned counsel for the respondents, submitted that the award of the Tribunal, insofar as taking the annual income of the deceased at Rs.50,000/-, can be sustained as per the judgment of this Court in **Prahallad Rathod Vs. K.Vittal**¹, wherein it has been held that the Second Schedule is a guiding calculation and not a formula which intends to deprive the victims of motor accidents of their legitimate compensation by import of a construction that the figures specified therein prescribe an upper limit and that a deviation from the Second Schedule can be made in appropriate cases.

7. In the circumstances, I see no grounds to interfere with the order of the Tribunal and the appeal is liable to be dismissed.

¹ 2018 ACJ 565

8. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed. Miscellaneous petitions pending, if any, shall stand dismissed. No order as to costs.

T.AMARNATH GOUD, J

Date: 03-12-2018
TJMR

