

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

C.M.A.No.1160 OF 2004

JUDGMENT:

This appeal is filed under Section 173 of the Motor Vehicles Act, 1988, by the appellant-Insurance Company aggrieved by the order dated 03.12.2003 in O.P.No.828 of 1999 on the file of the Chairman, Motor Accidents Claims Tribunal (District Judge), Nizamabad.

2. Heard the learned counsel for the appellant-Insurance Company and the learned counsel for the respondents.

3. Learned counsel for the appellant-Insurance Company would contend that the compensation awarded is excessive. Further, the interest awarded by the Tribunal at 9% per annum is also excessive and ultimately prayed to reduce the same.

4. Learned counsel appearing for the respondents-claimants would contend that the Tribunal had taken the age and income of the deceased based on the evidence on record, and awarded the compensation of Rs.8,00,000/-, which is just and reasonable. Further, the interest awarded at 9% per annum is also in accordance with law. There is no infirmity to vary the award and ultimately prayed to dismiss the appeal.

5. The only point that is required to be determined is, whether the compensation granted in favour of the respondents-claimants is liable to be reduced?

6. As can be seen from the oral and documentary evidence on record, the deceased-Shaik Shadulla was aged 37 years as on the date of accidental death. The claimants are his wife, children and mother, who are six in number. There is also specific documentary evidence under Ex.A8-

partnership deed, which shows that the deceased Shaik Shadulla along with others formed into a partnership firm to carry on business for execution of dam and road contracts, P.W.D. contracts, I and B division National High Ways contracts.

7. Taking all the facts into consideration, the Tribunal has taken the income of the deceased at Rs.6,000/- per month, deducted Rs.1,000/- towards personal expenses and allowed Rs.5,000/- per month towards contribution to his dependents i.e., respondents/claimants, and by applying multiplier '14', the compensation payable to the claimants comes to Rs.8,40,000/- (5,000/- x 12 x 14). Since the claimants claimed compensation of Rs.8,00,000/-, the same was awarded to them with interest at 9% per annum. The Tribunal had not granted compensation towards loss of consortium and other conventional heads. However, the grant of compensation of Rs.8,00,000/- with interest at 9% per annum is based on evidence on record, which is just and reasonable. Therefore, it cannot be held to be excessive. The appeal is devoid of merit and as such, it is liable to be dismissed.

8. In the result, the appeal is dismissed. There shall be no order as to costs.

Miscellaneous Petitions pending, if any, shall stand closed.

Date: 06.06.2018
ssp

Dr. SHAMEEM AKTHER, J