

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SMT. JUSTICE T. RAJANI**

M.A.C.M.A.No.665 of 2015

JUDGMENT: (ORAL)

(Per Suresh Kumar Kait, J)

The A.P. State Road Transport Corporation has preferred the present appeal challenging the award dated 24.11.2014 passed in M.V.O.P.No.175 of 2013 by the Motor Accidents Claims Tribunal-cum-the Court of the Chief Judge, City Civil Court, Hyderabad, whereby compensation of Rs.26,86,000/- was awarded with costs and interest at the rate of 7.5% p.a., from the date of petition till realisation.

Learned counsel for the appellant submits that the learned Tribunal has erred in calculating future prospects at 50% and as per the judgment of the Hon'ble Supreme Court in *National Insurance Co. Ltd. Pranay Sethi and others*¹ future prospects ought to be calculated only to the maximum extent of 40% while arriving at compensation.

The said submission is not disputed by the learned counsel for the respondents/claimants.

Accordingly, the award of the Tribunal is modified as under:

Monthly income – Rs.13,141/-. If 40% future prospects are taken – Rs.13,141/- X 40% = Rs.5,256/-. Monthly income + 40%, i.e. Rs.13,141/- + Rs.5,256/- = Rs.18,937/- per month, which comes to Rs.2,20,764/- per annum. After deducting 1/4th towards personal

¹ 2017 (6) ALT 60 (SC)

expenses of the deceased, it comes to Rs.1,65,573/-. If multiplier 15 which is relevant is applied, it comes to Rs.24,83,595/-. If Rs.25,000/- is added as conventional head, total comes to Rs.25,08,595/-. Accordingly, the respondents/claimants are entitled for a sum of Rs.25,08,595/-.

Hence, the award of the Tribunal is modified as indicated above with proportionate costs. The award shall relate back to the date of decree and the compensation awarded shall carry the interest at the rate and from the date specified by the Court below.

Accordingly, the appeal is allowed in part. Rest of the award of the Tribunal shall remain unaltered.

As a sequel, miscellaneous petitions if any pending in the appeal stand closed.



SURESH KUMAR KAIT, J

T. RAJANI, J

April 11, 2018
MRR