

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

M.A.C.M.A.No.2190 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 25.06.2015 passed in M.V.O.P.No.883 of 2014 by the Chairman, Motor Accidents Claims Tribunal-cum-VI Addl. District Judge, Warangal at Mahabubabad, whereby compensation of Rs.41,93,000/- was awarded with costs and interest at the rate of 6% 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.18,855/-. After deducting 1/4th towards personal expenses of the deceased, it comes to Rs.14,141/-. If 40% future prospects are taken – Rs.14,141/- X 40% = Rs.5,656/-. Monthly income + 40%, i.e. Rs.14,141/- + Rs.5,656/- = Rs.19,797/-

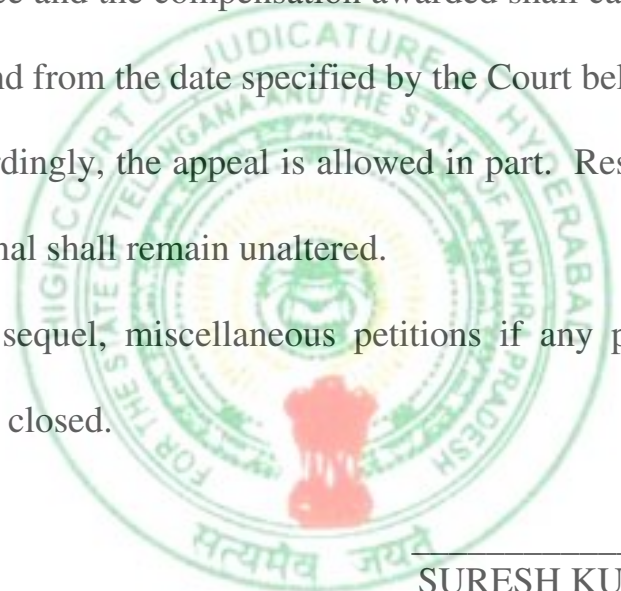
¹ 2017 (6) ALT 60 (SC)

per month. It comes to Rs.2,37,564/- per annum. If multiplier 16 which is relevant is applied, it comes to Rs.38,01,024/-. Adding Rs.1,00,000/- consortium + Rs.10,000/- funeral expenses and transport expenses + Rs.10,000/- loss of estate comes to Rs.39,21,024/-. The respondents/claimants are therefore entitled to Rs.39,21,024/-.

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