

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 2825 OF 2005

JUDGMENT:

This appeal is directed by the insurance company against the award dated 25.03.2005 in O.P.No.1891 of 2003 passed by the Motor Accidents Claims Tribunal-cum-II Additional Chief Judge, City Civil Court, Hyderabad (for short 'the Tribunal'), whereby the Tribunal granted compensation of Rs.5,72,100/- with costs and interest @ 9% per annum from the date of petition till the date of realisation as against the compensation of Rs.10,00,000/- on account of the death of S.Laxman in a motor vehicle accident occurred on 18.05.2003 at about 07.30, when the deceased along with his child, aged about 6 years were proceeding on scooter bearing No.AP 23 5093 to go to Sanga Reddy from Isnapur, dashed a stationed lorry bearing No.AP 23T 3783 parked on the road without parking lights on at Kandi outskirts near Hanuman Mandir at Ajai Tara Garden, as a result of which the deceased died while shifted to Government Hospital.

Learned counsel for the appellant only contended that when the deceased is aged '40' years, as per the decision of the apex Court in **Sarala Verma and others v Delhi Transport Corporation and another**¹, the relevant multiplier is '14', but not '15' and that the tribunal instead of granting interest at the rate of 7.5%, granted 9% per annum, which is very high and hence, prayed to allow the appeal.

¹ 2009 ACJ 1298

A perusal of the material available on record, having regard to the facts and circumstances of the case, the order passed by the tribunal is well considered and needs no interference by this Court since the age, proof of income of the deceased and the multiplier taken by the tribunal is reasonable and just as on the date of passing of the award and even the interest @ 9% is also reasonable, which is bank rate of interest prevailing as on that date. **Sarala Varma** case decided in the year 2009 and this case decided in the year 2005. As on the date of deciding the judgment, multiplier applicable is as per Second Schedule of the M.V.Act.

Accordingly, MACMA is dismissed confirming the award dated 25.03.2005 in O.P.No.1891 of 2003 passed by the Motor Accidents Claims Tribunal-cum-II Additional Chief Judge, City Civil Court, Hyderabad. There shall be no order as to costs.

Miscellaneous petitions if any, shall stand closed.

T.AMARNATH GOUD,J

Date: 29.08.2019
kvrn