

**THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD**

M.A.C.M.A.NO.21 OF 2016

**JUDGMENT:**

This appeal is filed by the APSRTC against the award dated 04.05.2015 passed in O.P.No.80 of 2014 on the file of the Chairman, Motor Vehicle Accidents Claims Tribunal-cum-II Additional District Judge, Karimnagar at Jagtial.

The facts of the case, in brief, are that on 18.06.2013, while one Naidu Balaiah (deceased) was going on foot and when reached near Vattivagu at about 2.45 pm, the driver of the bus bearing No.AP-29-Z-1259 drove it in a rash and negligent manner at high speed and dashed against the deceased from back side due to which he sustained severe injuries. He was admitted in the hospital for treatment but he succumbed to injuries on 25.06.2013. The legal heirs of the deceased filed O.P.No.80 of 2014 seeking an amount of Rs.8,00,000/- as compensation. After framing the issues, the Tribunal got examined P.Ws.1 and 2 and got marked Exs.A1 to A7 on behalf of the petitioners and examined R.W.1 on behalf of the defence. After completion of trial, by assuming the daily earning of the deceased as Rs.250/-, the Tribunal awarded compensation of Rs.8,00,000/- to the petitioners along with costs and interest @ 7.5% per annum from the date of petition till realization. Hence, the appeal.

The only grievance of the appellant in this case is with regard to the manner in which the Tribunal has considered the monthly income of the deceased. Fixing the notional daily wages at Rs.250/- is excessive and the quantum accordingly awarded has to be reduced.

This Court finds that the daily earnings of an agricultural marketing committee 'Hamali' which the Court below has considered as Rs.250/- is quite reasonable and requires no interference. Hence, there is no other reason to interfere with the award passed by the Tribunal.

The appeal is, accordingly, dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.

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**(T.AMARNATH GOUD, J)**

5<sup>th</sup> July 2019  
RRB

