

**HON'BLE SRI JUSTICE T.AMARNATH GOUD**

**M.A.C.M.A.No.1550 of 2012**

**JUDGMENT:**

Appellant-Andhra Pradesh State Road Transport Corporation (APSRTC) filed this appeal against the award and decree dated 15-02-2012 passed in M.V.O.P.No.102 of 2009 of the Motor Accidents Claims Tribunal-cum-VII Additional District Judge, Warangal, granting compensation of Rs.6,96,000/- to the claimants/respondent Nos.1 to 5, payable by the appellant, as against the claim of Rs.10,00,000/-, for the death of the deceased-Challa Ravinder Reddy.

2. The Respondents 1 to 5, who are the claimants-wife, children and parents of the deceased, respectively, filed claim petition under Section 166 read with Section 475 of Motor Vehicle Act, 1988, alleging that on 17-07-2008, when the deceased proceeding towards Shayampet on his motorcycle for attending work and when he reached near Mandaripet bus stage, an RTC Bus bearing Regn. No.AP 28Z 3599 came in opposite direction with a high speed in a rash and negligent manner and dashed against his vehicle, and as a result of which, he sustained injuries and was shifted to Jaya hospital, Hanamkonda for treatment. While undergoing treatment, on the same day evening at about 5.30pm, he succumbed to the injuries. Thus, the claimants claimed compensation of Rs.10,00,000/- on account of death of the deceased, payable by the appellant.

3. The appellant-APSRTC filed counter denying the averments made in the claim petition and contended that the claimants have to establish the age and earning capacity of the deceased and that the accident was occurred due to the negligence of the deceased and not at the fault of the driver of the bus. Further the claimants have not made the owner and insurer of the motorcycle as respondent-parties. The claim made by the claimants is excessive and therefore, the petition is liable to be dismissed.

4. The Tribunal, based on the evidence available before it, held that the accident occurred due to the rash and negligent driving of driver of the bus. It further held that the appellant is liable to pay compensation of Rs.6,96,000/- to the claimants.

5. Aggrieved by the said finding, the present appeal came to be filed by the appellant-APSRTC.

6. Heard.

7. Learned counsel for the appellant-APSRTC would contend that as seen from Ex.A-7, certified copy of pahani, the deceased did not have any land in his name. Therefore, his annual income may be taken as Rs.15,000/- only. Further, the Tribunal, in para-19 of the judgment, gave a finding that the deceased age is between 40 and 45, and then it can be taken as 42 only and the multiplier for the age of 42 is '14' but not '15'. However, he does not

dispute about the compensation awarded under the other heads. Therefore, the impugned judgment of the Tribunal may be set aside.

8. Learned counsel for the respondent Nos.1 to 5 contends that the Tribunal has rightly granted compensation by applying correct multiplier of '14' applicable for the age of 40 years. As per Ex.A-3, Post Mortem Examination Report, the age of the deceased at the time of death is 40 and that was why the Tribunal has taken multiplier as '15'. Therefore, the Tribunal has rightly awarded the compensation and it cannot be interfered with.

9. Admittedly, though the learned counsel for the claimants contends that the deceased was a self-employed person doing agriculture and blasting contract works, no evidence was produced by the claimants to that effect. They have also failed to produce the income tax returns of the deceased to prove his annual income. In the absence of the above evidence, the Tribunal fixed the monthly income of the deceased as Rs.5,000/- only.

10. Further, the other point raised by the learned counsel for the appellant is that the age of the deceased was between 40 and 45 and the multiplier would be taken as '14' only not as '15'. But as per Ex.P-3, post mortem report, the age of the deceased was shown as 40 years and if the same is taken into consideration as per the judgment of the **Sarla Varma Vs. Delhi Transport Corporation**<sup>1</sup>, multiplier '15' has to be made applicable. Hence, this Court is of the view that

---

<sup>1</sup> (2009) 6 S.C.C. 121

there is no infirmity or irregularity in the order passed by the Court below in granting compensation.

11. Accordingly, the appeal is dismissed confirming the decree and judgment of the Tribunal. There shall be no order as to costs.

12. Miscellaneous petitions pending in this appeal, if any, shall stand closed.

---

**JUSTICE T.AMARNATH GOUD**

05.07.2019  
KVR

