

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

**M.A.C.M.A.No.47 of 2010**

**JUDGMENT:**

Aggrieved by the judgment and decree dt.11.09.2009 in M.V.O.P.No.820 of 2008 passed by the Principal District Judge-cum-Chairman, Motor Accident Claims Tribunal, Warangal (for brevity "the Tribunal"), awarding compensation of Rs.5,63,000/- as against the claim of Rs.10,00,000/- for the death of Sri Penumati Srinivas i.e., husband of respondent No.1, father of respondent Nos.2 and 3, and son of respondent No.4, in a motor vehicle accident that occurred on 29.04.2008 at Seetha Thanda 'X' Road, Ghanpur on Hyderabad to Warangal National Highway, due to the rash and negligent driving on the part of the driver of the RTC bus bearing No.AP 11Z 5148, the present civil miscellaneous appeal has been preferred by the Corporation.

The appellant herein is the State Road Transport Corporation and the respondents are the claimants. The facts leading to the accident are not in dispute. The Tribunal, after appreciating the evidence on record, both oral and documentary, awarded a sum of Rs.5,63,000/- towards compensation to the claimants with interest @ 6% per annum from the date of filing of O.P. till the date of realization from the Corporation with a direction to deposit the entire amount of compensation with interest thereon within 30 days from

the date of award with appropriate apportionment. Hence the present appeal by the appellant-Corporation.

Heard Sri B. Mayur Reddy, learned Standing Counsel for the appellant-State Road Transport Corporation as well as the learned counsel for the respondents-claimants.

Learned Standing Counsel for the appellant mainly contends that the income of the deceased @ Rs.45,250/- per annum considered by the Tribunal is on higher side and the same is not support by any evidence.

On the other hand, learned counsel for the respondents-claimants contends that the judgment passed by the Tribunal needs no interference.

The only point that arises for consideration in this appeal is, whether the quantum of compensation awarded by the Tribunal is proper and justified.

In the light of the judgment of the Apex Court in SARLA VERMA v. DELHI TRANSPORT CORPORATION<sup>1</sup>, if the notional income of the deceased @ Rs.5,000/- per month is taken, it comes to Rs.60,000/- per annum. Therefore, the judgment passed by the Tribunal is well considered and a just and reasonable compensation was awarded by the Tribunal and hence, the same do not suffer from any infirmity warranting interference by this Court.

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<sup>1</sup> (2009) 6 SCC 121

In the result, the civil miscellaneous appeal is dismissed. There shall be no order as to costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

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T. AMARNATH GOUD, J

19.06.2019.  
Msr



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