

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 45 of 2018

JUDGMENT:

This appeal is filed by the claimants aggrieved by the order and decree dated 30.08.2017 in M.V.O.P.No.580 of 2013 passed by the Motor Accidents Claims Tribunal-cum-Judge, Family Court-cum-VI Additional District Judge, Khammam (for short 'the tribunal'), whereby the tribunal granted compensation of Rs.50,000/- with interest @ 7.5% per annum from the date of petition till the date of realization.

2. The brief facts are that on 11.09.2012 while returning back from their relative's house by walk at about 21.15 hours, when she reached Guvvalagudem Bus Stop, APSRTC hired bus bearing No.AP24 X 3242 came with high speed in rash and negligent manner driven by its driver, dashed against deceased-Venkamma, for which the deceased died on the spot.

3. Respondent No.1 set exparte, respondent Nos.2/insurance company and 3/APSRTC filed their counters before the tribunal denying the claim petition.

4. The tribunal examined PWs.1 and 2, marked Exs.A1 to A.7 on behalf of the claimants and RW.1 was examined and marked Ex.B.1 on behalf of the insurance company.

5. There is no dispute with regard to the manner of accident and involvement of the vehicle. Since the claimants filed the claim

petition under Section 163-A of the M.V. Act, the annual income of the deceased was taken as Rs.40,000/- per annum. As per the Schedule II of Section 163-A of the M.V.Act, since the age of the deceased was 65 years, the relevant multiplier was '5' and $1/3^{\text{rd}}$ personal expenses have to be deducted from the income. The claimants also entitled for Rs.2,000/- towards funeral expenses and Rs.2,500/- towards loss of estate. Thus, the claimants are entitled for total compensation of Rs.1,38,000/- (Rs.40,000/- x $1/3 \times 5$ (Rs.1,33,500/-) + Rs.2,000/- + Rs.2,500/-).

6. In view of the above, the appeal is allowed-in-part enhancing compensation from Rs.50,000/- to Rs.1,38,000/- with interest @ 7.5% per annum from the date of petition till the date of realization. There shall be no order as to costs.

Miscellaneous petitions if any, shall stand closed.

T.AMARNATH GOUD,J

Date: 06.01.2020
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