
(1999) 08 AP CK 0133
In the Andhra Pradesh High Court
Case No : A.A.O. No. 1838 of 1992

B. Guramma and Another

APPELLANT

Vs

Managing Director, Andhra Pradesh State Road Trans.
Corporation

RESPONDENT

Date of Decision : 05-08-1999

Acts Referred:

Citation : (2000) ACJ 937

Hon'ble Judges : Elipe Dharma Rao, J

Bench : Single Bench

Advocate : B. Parameswara Rao, for the Appellant; Nanda Ramachandra Rao, for the Respondent

Judgement

Elipe Dharma Rao, J.—This civil miscellaneous appeal was filed aggrieved by the award dated 18.9.92 in O.P. No. 21 of 1991 on the file of the Chairman (Distt. Judge), Motor Accidents Claims Tribunal, Mahbubnagar, by the claimants-petitioners for the untimely death of the deceased B. Thirupathaiah, husband of the appellant No. 1 and father of the appellant No. 2.

2. The brief facts of the case are as follows:

That on 23.11.1990 at about 5.00 p.m. the deceased went to the vegetable market for purchasing vegetables and after such purchase, he was returning to his hotel on his cycle and at about 6.15 p.m. when he was proceeding in front of D.C.C. Bank on left side of the road, near Modern High School, a RTC bus bearing No. AAZ 8414 driven by its driver in a rash and negligent manner dashed the cyclist due to which he fell down and sustained multiple injuries and he was shifted to Government Hospital, Mahbubnagar where he succumbed to the injuries at 7.00 p.m. on the same day. It is stated in the petition that at the time of accident, the deceased was aged 45 years and he was running a hotel near Krishna Talkies Chowrastha and was earning Rs. 200 per day. Therefore, the petitioners claimed Rs. 1,50,000 for the death of the deceased.

3. The Tribunal examined the daughter of the deceased as PW 1 and PW 2 is an independent witness and marked Exhs. A-1 to A-5. Neither oral nor documentary evidence was adduced on behalf of the respondents. The Tribunal after appraisal and analysing the evidence, both oral and documentary, held that the accident was occurred due to the rash and negligent driving of the RTC bus.

4. The Tribunal basing on the inquest report, Exh. A-3 and post-mortem report, Exh. A-4, fixed the age of the deceased as 50 years. It assessed the income of the deceased at Rs. 750 per month and annual dependency was calculated at Rs. 9,000 per year. Based on the ruling placed before the Tribunal by the learned counsel for the petitioners, the Tribunal calculated the total loss of earnings at Rs. 72,000 after adopting a multiplier of 8 appropriate to the age of the deceased. But as per the judgment of the Apex Court in U.P. State Road Transport Corporation and Others Vs. Trilok Chandra and Others, , the proper multiplier that is applicable in this case is 12. Therefore, taking into consideration the contribution of the deceased at Rs. 750 per month and adopting a multiplier of 12, the loss of earnings comes to Rs. 1,08,000. As held by the Supreme Court in General Manager, Kerala State Road Transport Corporation, Trivandrum Vs. Mrs. Susamma Thomas and others, , the petitioners are entitled to a conventional amount of Rs. 15,000 each under the heads of pecuniary and non-pecuniary damages. Therefore, inasmuch as the widow of the deceased has lost her husband at her young age, and the appellant No. 2 has lost her father in her young age, I am inclined to grant a sum of Rs. 25,000 towards pecuniary and non-pecuniary damages. Thus the appellants, in all, are entitled to a sum of Rs. 1,33,000 with interest at 12 per cent per annum from the date of petition till the date of realisation. The award amount now enhanced in this appeal shall be apportioned in favour of the widow of the deceased, for the reason that appellant No. 2, daughter, might have married by this time. With the modification of the decree, the appeal is partly allowed. But in the circumstances without costs.