

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

M.A.C.M.A.No.243 OF 2012

JUDGMENT:

The appellant/ respondent No.2 filed this appeal having been aggrieved by the Order/Award of the Chairman, Motor Accidents Claims Tribunal-cum-District Judge, Krishna, at Machilipatnam, (*for short, 'Tribunal'*) in M.V.O.P.No.218 of 2005 dated 11.04.2007 against the claimants, who are parents of the deceased, aged about 40 and 45 years respectively, filed the claim petition against the 3rd respondent/ 1st respondent in claim petition, who is the owner of the crime vehicle bearing No.AP 26 H 3834 besides the 2nd respondent in the claim petition filed under Section 163-A of the Motor Vehicle Act, 1988 (*for short, 'the Act'*), claiming Rs.2,00,000/- for the death of deceased by name Puvvula Nageswara Rao in a road accident, for which the tribunal awarded compensation of Rs.1,54,500/-(Rupees One lakh fifty four thousand five hundred only) with interest at 7.5% per annum.

2. Heard learned counsel for the appellant no other than 2nd respondent—insurer in the claim petition and also heard Sri Achuta Reddy representing Sri N.Mukund Reddy, learned counsel for respondents/ claimants; the 3rd respondent to the appeal, who is 1st respondent to the claim petition, so-called owner by name N.Satyanarayana remained ex parte including before the Tribunal and perused the material on record;

3. One of the contentions in the grounds of appeal are that the vehicle was insured in the name of T.Sarath, who was not impleaded and changed the ownership to N.Satyanarayana in order to indemnify the Insurance Company and the rider of the motor cycle B.Venakta Gangadhara Prasad as per FIR not having valid driving licence and the other contention is quantum of compensation awarded by the Tribunal is excessive.

4. So far as the quantum of compensation concerned, there are no cross objections to enhance the compensation, for this Court while sitting in appeal there is nothing to interfere with what the Tribunal awarded Rs.1,54,500/- along with rate of interest at 7.5% concerned.

5. Now coming to the liability of the appellant—insurance company it is not even any

evidence adduced by Insurance Company, when the claim petition averments vis-à-vis the evidence of PW.1 with reference to FIR clearly speak that the vehicle owner as on the date of accident is N.Satyanarayana, if at all any violation under Section 157 of M.V.Act by non—intimation of change of ownership from said Sarath, policy holder, to N.Satyanarayana before the accident, the Insurance Company remedy is otherwise. On that ground, the Insurance Company cannot contended that the claim is not sustainable.

6) Having regard to the above, including on the liability fixed by the Tribunal, there is nothing to interfere. Accordingly, the appeal is dismissed. There is no order as to costs.

7) Consequently, miscellaneous petitions if any pending in this appeal shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: -11-2015

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