

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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M.A.C.M.A. No.2080 of 2005
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JUDGMENT:

This appeal is preferred by the Insurance Company, which was respondent No.2 in O.P. No.95/2002 on the file of the Chairman, Motor Accidents Claims Tribunal-cum-I Additional District Judge, Adilabad (for short, 'the Tribunal'). The said O.P. was filed by the respondents 1 and 2 herein seeking compensation of Rs.1,00,000/- for the death of one Makkala Gangadhar @ Nagaiah in the motor accident that occurred on 22.02.2001.

The case of the petitioners in the said O.P. was that on 22.02.2001 one Makkala Gangadhar @ Nagaiah along with three others was proceeding from Bopparam to Pochampad by walk on the side of NH-7 road and when they were passing through Soan bridge, a car bearing registration No.AP1-C-5688 came from their back side in a rash and negligent manner and dashed the said Nagaiah, as a result of which he sustained grievous injuries. He was initially shifted to the Government Hospital, Nirmal, and after giving first aid he was referred to the Government Headquarters Hospital, Nizamabad. From there he was referred to the Osmania General Hospital, Hyderabad, wherein he was treated for the injuries, but ultimately he succumbed to the injuries on 26.02.2001. He was aged about 15 years as on the date of accident and was earning Rs.3,000/- per month by stone-cutting.

The Tribunal framed the appropriate issues and came to the conclusion that the accident occurred due to rash and negligent driving of the car bearing registration No.AP1-C-5688 by its driver.

The Tribunal took into consideration the notional income of deceased at Rs.15,000/- per annum, deducting 1/3rd thereof and

applying the multiplier '15' by taking the age of the parents, arrived at a compensation of Rs.1,50,000/-. Apart from the said amount, the non-pecuniary compensation of Rs.10,000/- was awarded. Thus, in all, the Tribunal awarded an amount of Rs.1,60,000/-, by award dated 01.06.2005. Challenging the quantum of said compensation, the present appeal is preferred by the Insurance Company.

In view of the latest decisions of the Supreme Court, in fact, the respondents 1 and 2 herein, who were the petitioners in the O.P., are entitled for more compensation based on the age of deceased. In that view of the matter, the challenge by the Insurance Company to the quantum of compensation fails, and this Appeal is accordingly dismissed. There shall be no order as to costs.

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

A.RAMALINGESWARA RAO, J

14.12.2015

MVA