

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

M.A.C.M.A. No.483 of 2010

JUDGMENT:

The 2nd respondent—insurer among two respondents including owner of lorry bearing No.AP 2 U 5272, maintained the appeal impugning the award, dated 27.12.2008, passed in O.P. No.38 of 2008 on the file of Motor Accidents Claims Tribunal-cum-Additional District Judge, Hindupur (for short 'the Tribunal') in awarding compensation of Rs.2,27,000/- with interest at 6% per annum against the claim made under Section 166 of the Motor Vehicle Act, 1988 (for short 'M.V. Act') for compensation of Rs.2,50,000/- by the parents of the deceased by name K.A.Imran, aged about 16 years as per Ex.A3—post mortem report. From the contest of respondents, the Tribunal having held that the accident was the result of rash and negligent driving of the driver of tractor bearing No.AP 02 U 5272 of 1st respondent insured with 2nd respondent for no fault of the deceased rider of the TVS XL.

2) Heard learned standing counsel for insurer and learned counsel for respondents—claimants. Perused the material on record.

3) It is the contention of the learned standing counsel for insurer that the quantum of compensation awarded by the Tribunal is highly excessive and exorbitant and prayed to reduce the same. Whereas, it is the contention of the learned counsel for respondents that the award of the Tribunal holds good and for this Court while sitting in appeal there is nothing to interfere, hence prayed to dismiss the appeal.

4) A perusal of the record shows that on the fateful day i.e. on 07.01.2008, while the deceased K.A.Imran was coming from Madakasira to his village on TVS XL and when he reached near Sugar factory near

Parigi village, the driver of tractor bearing No.AP 02 U 5272 came in rash and negligent manner, all of sudden without any precaution and without giving any signals, took the tractor on the right side and dashed against the deceased, who died on the spot.

5) Now coming to the quantum of compensation, the Tribunal has taken the notional income of the deceased at Rs.14,000/- per month and adopted multiplier '16' from the age of the mother, thereby, for this Court while sitting in appeal there is nothing to interfere as the quantum of compensation awarded by the Tribunal is no way excessive and utterly low but for no cross objections to enhance.

6) Accordingly and in the result, the appeal is dismissed without going into further merits while confirming the compensation awarded by the Tribunal. No order as to costs.

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

Dt.25.11.2016
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Dr. B. SIVA SANKARA RAO, J

