

HON'BLE SRI JUSTICE G.SHYAM PRASAD

MACMA No.579 OF 2006

JUDGMENT:

This appeal is arising out of the order dated 21.11.2005 in M.V.O.P.No.689 of 2001 on the file of Chairman, Motor Accidents Claims Tribunal-cum-II Additional District Judge, Guntur (for short "Tribunal").

2. The appellant herein is the National Insurance Company Limited, which filed this appeal against respondents 1 to 3, the wife and two sons of the deceased, and respondent No.4.

3. M.V.O.P.No.689 of 2001 was filed under Sections 163-A, 141, 166 and 140 of the Motor Vehicles Act claiming compensation of Rs.6,00,000/- on account of the death of Ande Biksha Rao in a motor vehicle accident.

3. The brief facts of the case are that while the deceased Ande Biksha Rao, along with others, was traveling in an auto bearing No.AP7X 602 to go to Mangalagiri, and when the auto reached near ITC godown, Dolasnagar, Mangalagari at about 5.00 am., the driver of the auto drove it in a high speed and the auto turned turtle. In the said accident, the deceased and two other persons died and other persons received injuries. The Police, Tadepalli registered a case in Crime No.83/2001 under Sections 337 and 304-A IPC against the driver of the auto. At the time of accident, the deceased was aged about 48 years and was working as a Cleaner in South Central Railway Canteen, Vijayawada and earning Rs.6,000/- per month. The legal heirs of the deceased, the

wife and two sons have claimed compensation of Rs.6,00,000/- on account of his death.

4. Respondent No.1 (respondent No.4 herein), driver-cum-owner of the auto has remained *ex parte* before the Tribunal. Respondent No.2 (appellant herein), insurer of the crime vehicle, The National Insurance Company Limited filed counter denying the averments in the petition and contended that there is no negligence on the part of the driver of the auto and that the compensation claimed is excessive and sought for dismissal of the petition.

5. The Tribunal, on consideration of the evidence of P.Ws.1 and 2 and the documents Ex.A.1 to A.5 and Ex.X.1 on behalf of respondent Nos.1 to 3 herein and evidence of RWs.1 and 2 and documents Exs.B.1 and B.2 on behalf of the insurance company, has awarded compensation of Rs.3,00,000/- as against the claim of Rs.6,00,000/-.

6. Learned counsel for the appellant Sri Kota Subba Rao submitted that this appeal has been preferred challenging the excessive compensation awarded by the Tribunal in the year 2006.

7. No arguments are advanced on behalf of the respondents in this appeal.

8. Having regard to the facts and circumstances of this case, I am of the opinion that the Tribunal has passed a well reasoned order. Therefore, no interference is required in the award passed by the Tribunal. Consequently, the appeal is liable to be dismissed.

9. In the result, the appeal is dismissed, confirming the award order dated 21.11.2005 in M.V.O.P.No.689 of 2001 passed by the Tribunal. There shall be no order as to costs. As a sequel, miscellaneous petitions, if any, pending shall stand closed.

G.SHYAM PRASAD, J

Date: 02.12.2016
TJMR

