

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

M.A.C.M.A No. 1791 OF 2009

JUDGMENT:

The present appeal is preferred under Section 173 of the Motor Vehicles Act, 1988 (for short 'the Act') by the appellants/claimants in O.P.No.2811 of 2004 on the file of the Motor Accidents Claims Tribunal – cum –III Additional Chief Judge, City Civil Court, Hyderabad (for short 'the Tribunal'), on the main ground that the Tribunal by its order dated 04.12.2007, though, on determination of compensation arrived at Rs.4,44,000/- for the death of Marla Narsimhulu (hereinafter referred to as 'the deceased'), husband of the first claimant, father of claimants 2 and 3, son of claimants 4 and 5 and brother of the sixth claimant, in a road accident, but restricted it to Rs.3,50,000/-, which was the claim made by the claimants under Section 163 of the Act.

2. For the sake of convenience, the parties are hereinafter referred to as they were arrayed in the O.P. before the Tribunal.

3. The manner in which the accident did occur leading to the death of the deceased is not disputed. The only controversy in the present appeal is despite arriving at the just and fair compensation by the Tribunal at Rs.4,44,000/-, the Tribunal was not right in restricting the compensation to the claim made by the claimants.

4. Heard Sri B. Parameswara Rao, learned counsel for the appellants and Sri B. Devanand, learned Standing Counsel for the second respondent – Insurance Company.

5. No notice was issued to the first respondent, as it is endorsed in the cause title of the main grounds of appeal that he is not a necessary party to the present appeal.

6. M.A.C.M.A.M.P.No.2918 of 2009 filed by the appellants to amend the claim to Rs.4,44,000/-, the amount which was determined by the Tribunal towards compensation, is also allowed.

7. In fact, there should not be any objection or resistance to the request made in the present appeal, in view of the law declared by the Hon'ble Supreme Court in line of judgments starting from *Nagappa v. Gurudayal Singh & others*¹, *Sri Laxman @ Laxman Mourya v. Divisional Manager, Oriental Insurance Company Limited*² and *Rajesh and others v. Rajbir Singh and others*³. Therefore, nothing is required to further deliberate on the subject except to accede to the request of the appellants.

8. The Appeal is accordingly allowed enhancing the compensation from Rs.3,50,000/- to Rs.4,44,000/- with interest @ 7.5% per annum even on the enhanced amount from the date of petition till realisation. No order as to costs.

¹ AIR 2003 SC 674

² 2012 ACJ 191 (SC)

³ 2013ACJ1403 = 2013(4)ALT35

9. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

A. SHANKAR NARAYANA, J

Date: 24.08.2016
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