HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

M.A.C.M.A. No.2420 OF 2009

JUDGMENT:

The United India Insurance Company Limited, which is respondent No.2 in M.V. O.P. No.465 of 2006, preferred the present Civil Miscellaneous Appeal, aggrieved over the award of Rs.1,84,800/- as compensation by the learned Chairman, Motor Accidents Claims Tribunal - cum - Principal District Judge, Medak at Sanga Reddy through the order and decree dated 25.07.2008, on the ground that the same is excessive and arbitrary as the deceased died in unmarried status and that he was a labourer on the date of accident that took place in the year 2006.

2. There is no dispute in regard to factual aspect and only in regard to quantum of compensation, the insurer has came before this Court.

3. The fact-situation occurring in the instant case needs no elaboration.

4. Heard Sri V. Srinivasa Rao, learned counsel for the insurer (appellant), and Sri Palle Sri Harinath, learned counsel for respondent Nos.1 and 2, petitioners - claimants.

5. Since it is endorsed in the cause title of the grounds of appeal itself that respondent No.3, owner of the lorry bearing No.AP-28-V-9647 that involved in the accident, is not a necessary party to the appeal, no notice was taken out.

6. Sri V. Srinivasa Rao, learned standing counsel for the insurer, would fairly concede that in view of the change in the decisional law, compensation granted by the Tribunal cannot be construed as excessive or arbitrary. His submission is based on the decisions of the Hon'ble Supreme Court in **Sarla Verma v. Delhi Transport Corporation**[1], **Munnalal Jain v. Vipin Kumar Sharma**[2] and **Rajesh v. Rajbir Singh**[3]; and in view of the principles laid down by the Hon'ble Supreme Court in the said decisions, no elaborate discussion is needed, since the petitioners may become entitled to enhanced compensation, if those principles are applied.

7. Thus, there is no merit in the appeal and is, accordingly, dismissed.

As a sequel thereto, Miscellaneous Applications, if any, pending in the miscellaneous appeal stand disposed of.

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A. SHANKAR NARAYANA, J

October 26, 2016.

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1 (2009) 6 SCC 121

2 (2015) 6 SCC 347

3 2013ACJ1403 = 2013(4)ALT35