

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

M.A.C.M.A. No.2429 of 2005

-

JUDGMENT:

This appeal is preferred by the petitioners 4 and 5 in O.P. No.60 of 2001 on the file of the II Member Tribunal for Disciplinary Proceedings-cum-VII Additional Chief Judge, City Civil Court, Hyderabad (for short, 'the Tribunal') challenging the award dated 16.04.2003, dismissing the claim against them.

The appellants are the parents of deceased, who was married. The dependants of the deceased are held to be the wife and children. Accordingly, a compensation of Rs.5,32,000/- was awarded to them and the claim of appellants was dismissed. The Tribunal noticed that the original claim petition was filed by the wife and children of the deceased and subsequently the parents were transposed as petitioners. The Tribunal noticed in the deposition of PW4, he stated that though he has other sons, since they were not earning, and as he was a heart patient, the entire medical expenses were borne by the deceased only. The deceased was the second son and the eldest son was residing in Hyderabad. The father of deceased was working as a Purohit previously and he stated that now he stopped doing that work and he is totally depending on the deceased. In the absence of any evidence of dependency, the claim of appellants herein was dismissed.

It is submitted by the learned counsel for appellants that during pendency of the present appeal, appellant No.1 died.

Since the deceased was married and the claim was allowed in favour of the wife of deceased and children, the denial of the claim of petitioners-appellants, who are parents, cannot be found fault with as there are other sons to the appellants. Now appellant No.1 died and only appellant No.2 is alive. In the absence of any evidence as to the dependency to appellant No.2 on the deceased, the award of Tribunal dated 16.04.2003, dismissing the claim, cannot be found fault with.

Accordingly, this appeal is dismissed, confirming the award in O.P. No.60 of 2001, dated 16.04.2003. No order as to costs.

Miscellaneous Petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

01.02.2016

MVA

-