

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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M.A.C.M.A.No.2397 of 2005

JUDGMENT:

This appeal is preferred by the second respondent - insurance company in O.P.No.528 of 1999 on the file of the Court of Motor Accidents Claims Tribunal (I Additional District Judge), Ongole (for short, Tribunal) challenging the direction to pay the compensation to the claimant and recover the same from the first respondent - owner.

2. Respondents 1 and 2 herein filed the said OP claiming a compensation of Rs.1,00,000/- for the death of one Challa Sudhakar in a motor accident that occurred on 05.07.1999 at about 6.00 pm., on Vetapalem-Cheerala road near Neelakanteswara Swamy Temple while he was traveling in an auto rickshaw bearing No.AP27T 8923.

3. The Tribunal, by its Award dated 27.05.2005, awarded total compensation of Rs.1,00,000/-. The Tribunal accepted the contention raised by the insurance company with regard to the driver of the vehicle not possessing the valid license and directed the insurance company to pay the amount and recover the same from the owner of the vehicle. The Tribunal on evidence held that the accident occurred due to rash and negligent driving of the driver of the auto, but gave a finding that one Siva Kumar, who was driving the auto at the time of accident, had no valid driving license. The deceased was aged about 24 years and was unmarried. The annual income of the deceased was taken as Rs.12,000/-, and applying the multiplier of 7.68, an amount of Rs.1,00,000/- was awarded as compensation.

4. The award of said compensation, in the facts and circumstances of the case, cannot be held to be unjust. With regard to the ground of non-possession of valid license, the Tribunal already took the same into consideration and directed the appellant to pay the amount and recover it from the owner of the vehicle.

5. In view of the same, I do not see any ground to interfere with the Award passed by the Tribunal and accordingly the appeal is dismissed. Miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

Date: 19.01.2016
TJMR