

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

MACMA No.836 OF 2016

JUDGMENT:

The appeal is maintained by the 5th respondent-Insurer of crime vehicle (Tractor and Trailer) bearing No.AP 27 T 4173 and AP 27 T 4174 of the claim petition M.V.O.P.No.413 of 2008 on the file of the Chairman, Motor Accidents Claims Tribunal–cum-IV Addl.District Judge, East Godavari, Kakinada, (for short, 'the Tribunal'), maintained under Section 166 of the Motor Vehicle Act,1988 (*for short, 'the Act'*), for compensation of Rs. 2,00,000/-(Rupees two lakhs only) showing the claimants as respondent Nos. 1 to 4, the driver of crime vehicle as 5th respondent since died by no legal representatives, wife of the owner as 6th respondent, son of owner as 7th respondent and daughter of owner as 8th respondent, impugning the award dated 24.04.2009 with the grounds in the appeal that there is no contractual and statutory liability and the driver allowed the deceased to sit and drive the vehicle and the deceased was not engaged as a labourer in the crime vehicle but they were just carried to work on the fields to say they are unauthorized and gratuitous passenger, hence to dismiss the appeal.

2. Heard the learned counsel for the appellant-Insurer and the appeal against R.1,R.3 and R.8 dismissed for default vide Court order dated 30.03.2015 and the R.4 is minor to say equally dismissed for default as R.1 to R.3 for want of correct address that could not be furnished by the Insurer and even R.6 and R.7 also served but failed to attend taken as heard.

3. Having regard to the above and even from perusal of the record for merits, there is nothing to interfere on the quantum but for to reduce the interest. Even to reduce the interest, the claimants since not served notice, without their presence this Court cannot reduce so but it is shown in other matters rate of interest is reduced to 8% p.a. modifying from 9%p.a. hence, for the reasons supra, there are no merits in the

appeal.

4. In the result, the appeal is dismissed. There is no order as to costs in the appeal. Consequently, miscellaneous petitions, if any pending in this appeal, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 05.02.2016

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