

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

M.A.C.M.A.No.705 of 2010

JUDGMENT:

The claimants of O.P.No.570 of 2006 no other than wife, minor son and parents of the deceased Rajesh Singh aged about 35 years as per Ex.A3 PM report maintained the claim for Rs.4,50,000/- under Section 166 of Motor Vehicles Act against the owner and insurer of the lorry bearing No.GJ-16-U 7699, while the deceased was proceeding on his motorbike, the lorry coming from behind dashed the deceased as a result of which he succumbed to the injuries while under treatment at Government Hospital Bhongir, from the contest by insurer, the Tribunal having held the accident was the rash and negligent driving of the driver of the 1st respondent and the respondents are jointly and severally liable having arrived at a compensation of Rs.5,34,000/- since the claim is only for Rs.4,50,000/- confined to the claim of Rs.4,50,000/- with interest @ 7.5% per annum and impugning the non-awarding of the amount arrived but confining to the claim amount even though entitled to just compensation as per the settled law, the appeal is maintained.

Heard learned counsel for the appellants/claimants and also the learned counsel for the respondent insurer and perused the material on record.

Even from the demonstration of the conclusion arrived for there is nothing to interfere with those findings of the Tribunal, the claimants are entitled to Rs.5,34,000/- as just compensation and it cannot be confined to what is claimed and thereby subject to

payment of deficit court fee under Rule 475 of A.P. Motor Vehicle Rules before the Tribunal, the compensation arrived by the Tribunal of Rs.5,34,000/- is awarded by enhancing from Rs.4,50,000/-.

Accordingly and in the result, the appeal is allowed as prayed for by enhancing compensation from Rs.4,50,000/- to Rs.5,34,000/- however subject to payment of deficit court fee as per Rule 475 of the Rules without which the claimants cannot execute the award.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

Date: 05.01.2017
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JUSTICE Dr. B.SIVA SANKARA RAO

