HON'BLE SRI JUSTICE M.S.K.JAISWAL

M.A.C.M.A.No.1241 of 2010

JUDGMENT:

This appeal is filed by the insurance company – 2nd respondent in M.V.O.P.No.1027 of 2008, questioning the award dated 04.12.2009 passed by the learned Chairman, Motor Vehicle Accident Claims Tribunal-cum-V Additional District Judge (FTC), Guntur (for short "the Tribunal").

The respondents/claimants filed the claim petition claiming a compensation of Rs.2,00,000/- on account of death of Garikapati Chakrapani, who died in a motor accident that occurred on 22.05.2008. The claimants are the daughter and son of the deceased.

The brief facts of the case of the claimants is that on 22.05.2008 at about 8.50 p.m while the deceased was going to walk on the left side of the road margin, a motorcycle bearing registration No.AP7D-9109 came from his backside with high speed and dashed the deceased, as a result, the deceased fell down and sustained grievous injuries and succumbed to injuries. The deceased was aged about 58 years, he was hale and health by the time of accident and he was working as a Security Guard and earning Rs.3,500/- per month.

The appellant/Insurance Company filed counter denying its liability, and contended that the driver of the offending vehicle is not having any valid licence to drive and there is no valid permit and fitness certificate at the time of the accident, and thus, the rider of the motorcycle has infringed the policy conditions.

On behalf of the claimants, P.Ws.1 to 3 were examined and got marked Exs.A.1 to A.6d and Ex.X1. On behalf of the respondents, RWs.1 to 4 were examined and Ex.B1 is marked.

The Tribunal, on consideration of the oral and documentary evidence, has awarded compensation of Rs.2,26,000/-. Questioning the said award, the appellant-Insurance Company filed this appeal.

The contention of the insurance company that the driver of the crime vehicle was not having any valid driving licence was also admitted by RW 4, who is none other than the owner of the crime vehicle. The Tribunal accepted the said evidence and held that the driver of the crime vehicle was not having valid licence on the date when the accident took place. The 1st respondent in the claim petition, who gave evidence as RW 4 has categorically admitted his liability, and as a matter of fact he sought a month's time to pay the compensation amount in the event it being awarded. Therefore, it cannot be said that the Tribunal committed error in directing the insurance company to pay compensation and recover the same from the 1st respondent in the claim petition.

With regard to quantum of compensation, admittedly the person who died in the accident was aged about 58 years and he was working as Security Guard. The Tribunal has taken the income of the deceased as Rs.3,000/- per month as per Ex.A6 salary certificate, and after deducting 1/3rd thereof and by applying appropriate multiplier, determined the compensation as Rs.2,26,000/-.

Upon perusing the oral and documentary evidence on record and the impugned award of the Tribunal, I see no reason to hold that the compensation awarded by the Tribunal is in any way excessive or exorbitant. There are no merits in the appeal and the same is liable to be dismissed.

In the result, the appeal is dismissed. Miscellaneous petitions, if any, pending in this appeal shall stand closed.

M.S.K.JAISWAL, J

Date: 15th June, 2017
Dsr