

THE HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD

M.A.C.M.A. No. 17 of 2010

JUDGMENT:

This appeal is arising out of the order dated 23.09.2009 in M.A.T.O.P. No.354 of 2008 on the file of Motor Accidents Claims Tribunal (Judge, Family Court – cum – Additional District Judge), Khammam.

2. Brief facts of the case are that on 03.08.2007, at 4:00 PM, the deceased, who was driving the sheep, crossed the highway road near Nallayene, a small hillock between Patharlapadu crossroads and Mekalathanda bus stage. In the meantime, the driver of APSRTC Bus bearing registration number AP-11/Z-4438 of Thorururu Depot, while proceeding from Thorururu to Khamma, drove the bus in a rash and negligent manner, and dashed the deceased. As a result, the deceased sustained injuries and was taken to Government Hospital, Khammam and later to Mamatha General Hospital, Khammam, and later shifted to Osmania General Hospital, Hyderabad, where he was treated as in-patient and he succumbed to injuries on 16.08.2007. Alleging that the accident occurred due to rash and negligent driving by the driver of the offending bus, the claimants filed the claim petition claiming compensation of Rs.2,50,000/-. The Tribunal awarded compensation of Rs.2,50,000/- with interest at 7.5% per annum. Being aggrieved by the award, the APSRTC filed this appeal.

3. Learned counsel for the appellant-APSRTC contended that the compensation awarded by the Tribunal is excessive and therefore, it requires to be reduced. It is also contended that the rate of interest is also excessive and it also requires to be reduced.

4. Learned counsel for the claimants submits that there is no reason to interfere with the order passed by the Tribunal. He further submits that

the deceased was a bachelor and the Tribunal has taken the age of the mother for awarding the compensation, whereas in view of the latest decision of the Hon'ble Supreme Court in Munna Lal Jain and another v. Vipin Kumar Sharma and Others¹, the age of the deceased has to be taken into consideration and, therefore, the award passed by the Tribunal is justified and it may even be enhanced in the light of the judgment passed in Munna Lal Jain (1 supra) case.

5. On consideration of arguments of both the sides and the material on record, it is obvious that it is a case of death of un-married person of 28 years age. His parents and brother filed the original petition and the Tribunal awarded total compensation claimed by them. As a matter of fact, in Munna Lal Jain (1 supra), the age of the deceased was taken into consideration for awarding compensation, but earlier the age of the mother was being taken for the purpose of assessing the compensation.

6. On consideration of the facts and circumstances of the case, this Court is of the considered view that there is no merit in the appeal preferred by the insurer, more particularly, in the light of the judgment of the apex Court in Munna Lal Jain (1 supra) case and, therefore, the appeal is liable to be dismissed.

7. Accordingly, the appeal is dismissed. No costs. Miscellaneous petitions, if any pending, shall stand closed.

GUDI SEVA SHYAM PRASAD, J

03rd March, 2017

KSM

¹ (2015) 6 Supreme Court Cases 347

THE HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD



M.A.C.M.A. No. 17 of 2010

03rd March, 2017

ksm