

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3438 OF 2005

JUDGMENT:

This appeal is filed under Section 173 of the Motor Vehicles Act, 1988 (for short, 'the Act'), by the appellant-Insurance Company aggrieved by the order dated 05.04.2005 in O.P.No.250 of 2002 on the file of the Motor Accident Claims Tribunal-cum-Additional District Judge, Warangal (for short, 'the Tribunal').

2. Heard the learned counsel for the appellant-Insurance Company and perused the record. The claim against respondent No.3 was dismissed for default on 17.11.2017. There is no representation for the respondents-claimants. This appeal pertains to the year 2005. Hence, it can be disposed of on merits basing on the material available on record.

3. Learned counsel for the appellant-Insurance Company would contend that the Tribunal granted excess compensation towards loss of dependency and also other heads. He further contended that there is no justification in granting interest @ 9% per annum on the compensation and ultimately, prayed to reduce the same.

4. There is no dispute with regard to the death of the deceased-Katta Bhaskar in a motor accident occurred on 21.02.2000 due to the rash and negligent driving of the driver of Tractor Trailer bearing No.AP 36U 5389 and 5390. The only dispute is with regard to quantum of compensation.

5. As per the evidence on record, the deceased was 25 years old. The Tribunal relying on the age and occupation of the deceased

took the monthly income of the deceased as Rs.2,652/-, deducted 1/3rd towards his personal expenses, applied appropriate multiplier and assessed Rs.3,71,280/- towards loss of dependency and also awarded some amount on other heads, in total Rs.3,89,280/-. However, the Tribunal restricted granting the compensation to Rs.3,50,000/- as claimed by the claimants. In the circumstances of the case, neither the compensation nor the interest awarded @ 9% per annum thereon, by the Tribunal, is excessive. There is no infirmity in the order under challenge and the appeal is liable to be dismissed.

6. In the result, the appeal is dismissed. No costs.

The Miscellaneous Petitions, if any, pending shall stand closed.

Date: 30.07.2018
ssp

Dr. SHAMEEM AKTHER, J

