

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3330 OF 2005

JUDGMENT:

This appeal, under Section 173 of the Motor Vehicles Act, 1988, is filed by the appellant/the New India Assurance Company Limited, aggrieved by the grant of compensation of Rs.2,00,000/- to respondent No.1/claimant, by the learned Chairman, Motor Accident Claims Tribunal – cum – District Judge at Mahabubnagar (for short, “the Tribunal”) *vide* order, dated 13.12.2004, passed in O.P.No.368 of 1997.

2. Heard the learned Standing Counsel for appellant/Insurance Company and perused the record. In spite of service of notice, there is no representation for respondent No.1/claimant. This appeal is of the year 2005. Hence, this appeal can be disposed of on merits without waiting for the learned counsel for respondent No.1/claimant to advance arguments.

3. Learned Standing Counsel for the appellant/Insurance Company would contend that the Tribunal had granted compensation of Rs.2,00,000/- on account of the death of the deceased Gunja Nagaraju, which is exorbitant; that the Tribunal had granted interest at the rate of 9% per annum from the date of petition till the date of realisation, which is excessive, and ultimately, prayed to reduce the amount of compensation granted in favour of respondent No.1/claimant as well as the interest awarded thereon.

4. As per the evidence on record, the deceased Gunja Nagaraju succumbed to injuries in a road accident that occurred on 06.05.1996 due to the rash and negligent driving of the driver of scooter bearing No.AP.22.A.3994. The deceased was 20 years old as on the date of the accident and was a milk vendor. The Tribunal took the income of the deceased as Rs.24,000/- per annum, deducted 1/3rd thereof towards his personal expenses and applied multiplier "13" for his age, and rightly assessed the compensation at Rs.2,08,000/-, which is restricted to Rs.2,00,000/-, and ultimately, granted the compensation of Rs.2,00,000/- along with interest at 9% per annum from the date of petition till the date of realisation. The assessment and grant of compensation of Rs.2,00,000/- is based on the evidence on record. In the circumstances of the case, granting compensation of Rs.2,00,000/- with interest at 9% per annum for the death of a man of 20 years is justified. There are no circumstances to reduce the compensation as well as the interest. The appeal is devoid of merit and is liable to be dismissed.

5. Accordingly, this appeal is dismissed. There shall be no order as to costs.

6. Miscellaneous petitions pending, if any, in this appeal shall stand closed.

DR.JUSTICE SHAMEEM AKTHER

Date : 24.07.2018
AMD

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