

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2802 of 2005

JUDGMENT:

This appeal, under Section 173 of the Motor Vehicles Act, 1988 ('the Act', for brevity) is filed by the appellants-claimants, challenging the order, dated 22.07.2005, passed in O.P.No.962 of 1999, by the Chairman, Motor Accident Claims Tribunal-cum-District Judge, Mahabubnagar ('the Tribunal', for brevity).

2. Heard the learned counsel for the appellants-claimants and perused the record. In spite of service of notice on the 2nd respondent-Insurance Company and despite listing this matter under the caption "For Orders", there is no representation for the 2nd respondent-Insurance Company. This appeal is of the year 2005. Hence, this appeal can be disposed of on merits, basing on the material available on record, without waiting for the learned Standing Counsel for the 2nd respondent-Insurance Company to advance arguments.

3. The learned counsel for the appellants-claimants would contend that the Tribunal had not applied the appropriate multiplier applicable to the age of the deceased (26 years). The Tribunal had also not granted adequate compensation on other conventional heads and ultimately prayed to enhance the compensation.

4. It is evident from the record that initially, the appellants-claimants, who are the wife and daughter of the deceased-P.Kondal Rao, filed a claim petition before the Tribunal seeking a compensation of Rs.3,00,000/-, on account of death of the

deceased-P.Kondal Reddy in a motor accident occurred on 06.06.1999, due to rash and negligent driving of the driver of the offending lorry bearing registration No.ADM-6177. Subsequently, the claim was enhanced to Rs.5,00,000/-, vide order, dated 27.04.2005, passed in I.A.No.1253 of 2004 by the Tribunal. The claim was for Rs.5,00,000/- and the Tribunal awarded Rs.5,00,000/- as compensation with interest @ 7.5% per annum from the date of petition till realisation. The Tribunal justified in granting a compensation of Rs.5,00,000/- to the appellants-claimants. There is no infirmity in the impugned order and there are no circumstances to interfere with the same. The appeal is devoid of merit and is liable to be dismissed.

5. In the result, the appeal is dismissed confirming the order, dated order, dated 22.07.2005, passed in O.P.No.962 of 1999, by the Chairman, Motor Accident Claims Tribunal-cum- District Judge, Mahabubnagar. No costs.

Miscellaneous Petitions pending, if any, shall stand closed.

Dr. SHAMEEM AKTHER, J

09th August, 2018
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