

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. NO.706 OF 2014

JUDGMENT:

This appeal is filed by the claimants challenging the order dated 3-10-2011 passed in M.V.O.P.No.336 of 2008, by the Motor Accident Claims Tribunal-cum-X Additional District Judge, Krishna (for short, the Tribunal).

2. The brief facts of the case are that on 15.2.2008 at about 8.30 PM., while Naidu Saheb Reddy (herein after referred to as the deceased) was proceeding on a cycle on Bandar Road, Challapalli, the driver of the auto bearing No.AP16Y 5304 drove the same in a rash and negligent manner and dashed the deceased, as a result of which, he sustained injuries and when he was shifted to government Hospital, Machilipatnam, he died. Thus, the claimants filed a petition claiming compensation of Rs.8,00,000/-.

3. The first respondent in the claim petition remained ex parte. The second respondent filed a counter denying the allegations in the claim petition and contended that the second respondent is not liable to pay any compensation and therefore prayed to dismiss the claim petition.

4. After considering the evidence produced by the parties, the Tribunal held that the accident occurred due to the rash and negligent driving of the driver of the crime auto, resulting in the

death of the deceased and therefore granted an amount of Rs.6,91,200/- towards loss of earnings and also granted an amount of Rs.8,800/- towards consortium, total Rs.7,00,000/-. Aggrieved thereby, the appellants/claimants filed the present appeal.

5. Heard.

6. A perusal of the order reveals that the Tribunal has passed a well considered order and the said order needs no interference, except the consortium amount awarded by it. In the light of the judgment of the Apex Court in **National Insurance Co. Ltd. Vs. Pranay Sethi**¹, the appellants are entitled to Rs.70,000/- under different conventional heads. Therefore, the amount awarded by the Tribunal under the head of consortium is enhanced from Rs.8,800/- to Rs.70,000/-. Except the said modification, the order passed by the Tribunal remains unchanged.

7. Accordingly the appeal is partly allowed to the extent indicated above. Miscellaneous petitions pending if any shall stand closed. No order as to costs.

T.AMARNATH GOUD, J

Date: 26-11-2018
Shr

¹ 2017(6) ALD 170 (SC)