

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2464 of 2005

JUDGMENT:

This appeal, under Section 173 of the Motor Vehicles Act, 1988, is filed by the appellant/United India Insurance Company Limited, aggrieved by the grant of compensation of Rs.1,66,500/- as against a claim of Rs.2,00,000/- to the respondents/claimants, by the Chairman, Motor Accidents Claims Tribunal-cum-I Additional District Judge, Cuddapah ('the Tribunal', for brevity), vide order, dated 09.07.2004, passed in I.A.No.710 of 2004 in M.V.O.P.No.72 of 2001.

2. Heard the submissions of the learned Standing Counsel for the United India Insurance Company Limited representing the appellant, the learned counsel for respondents/claimants and perused the record.

3. The learned Standing Counsel for the United India Insurance Company Limited representing the appellant would submit that the award of compensation of Rs.1,66,500/- to the respondents/claimants is against the weight of evidence and probabilities of the case. The Tribunal had not properly assessed and calculated the compensation and ultimately prayed to reduce the amount of compensation.

4. On the other hand, the learned counsel for the respondents/claimants would contend that the Tribunal had taken all the factors into consideration and granted just and reasonable compensation. There are no circumstances to interfere with the same and ultimately prayed to dismiss the appeal.

5. As seen from the evidence on record, the respondents-claimants have claimed a compensation of Rs.2,00,000/- with interest at the rate of 16% per annum, on account of the death of the deceased-Mallem Josephen in a road accident that occurred on 29.01.1998 due the rash and negligent driving of the driver of the Van bearing registration No.AP-02-T-7145. The Tribunal attributed rashness and negligence to the driver of the Van bearing registration No.AP-02-T-7145 and granted compensation of Rs.1,66,500/- with interest at the rate of 9% per annum from the date of petition till deposit. Rashness and negligence on the part of the driver of the Van bearing registration No.AP-02-T-7145 was proved by leading cogent and convincing evidence. The Tribunal had rightly held the same. There is nothing to take a different view. The Tribunal took the relevant factors into consideration and by applying appropriate multiplier, determined the aforementioned amount as compensation. The Award of the Tribunal is based on record. The compensation granted by the Tribunal in favour of the respondents-claimants is just and reasonable. There are no circumstances to interfere with the same. The appeal is devoid of merit and is liable to be dismissed.

6. In the result, the appeal is dismissed.

Miscellaneous Petitions pending, if any, shall stand closed. No order as to costs.

13<sup>th</sup> June, 2018  
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Dr. SHAMEEM AKTHER, J