

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3237 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 27.07.2005 in O.P.No.402 of 2002 on the file of the Motor Accident Claims Tribunal-cum-V Additional District Judge (Fast Track Court), West Godavari, Eluru (for short, 'the Tribunal').

2. Heard the learned counsel for the appellant-Insurance Company and perused the record. The appeal against respondent Nos.1 to 6 was dismissed for default on 06.01.2012. There is no representation for respondent Nos.7 and 8. This appeal pertains to the year, 2005. Hence, it can be disposed of on merits.

3. Learned counsel for the appellant-Insurance Company would contend that the deceased was a gratuitous passenger and he was not the owner of the goods in the lorry bearing No.AP 37V 5269. The Tribunal erroneously directed the appellant-Insurance Company to pay the compensation to the claimants. It is also contended that the grant of compensation of Rs.2,27,812/- with interest @ 9% per annum is excessive and ultimately prayed to set aside the order under challenge.

4. It is evident from the record that the deceased-Maddi Mutheswara Rao while travelling in the lorry bearing No.AP 37V 5269 with steel samans, the driver of the said vehicle drove the same in a rash and negligent manner and applied sudden brakes, due to which

the deceased fell down, sustained injuries and succumbed to the same.

5. The Tribunal having analysed the entire evidence, held that the deceased was the owner of the goods in the offending vehicle. There is nothing on record to take a different view. Further, the Tribunal had granted compensation of Rs.2,27,812/- to the claimants, who are wife, children and parents of the deceased and who are the dependants on him during his life time. The Tribunal took the monthly income of the deceased as Rs.1,800/-, deducted 1/3rd towards his personal expenses, applied multiplier '13.598' and assessed the compensation payable towards loss of dependency at Rs.1,95,812/-. The Tribunal granted Rs.2,000/- towards funeral expenses, Rs.15,000/- towards loss of estate and Rs.15,000/- towards loss of consortium. In all, the Tribunal granted compensation Rs.2,27,812/- to the claimants. It is just and reasonable. There are no merits to interfere with the order under challenge. It is contended that the grant of interest by the Tribunal was high. In the circumstances of the case, there is justification in granting the rate of interest @ 9% per annum. No interference is warranted on this ground.

6. In the result, the appeal is dismissed.

The Miscellaneous Petitions, if any, pending shall stand closed.
No costs.

Date: 19.07.2018
ssp

Dr. SHAMEEM AKTHER, J