

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3075 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 09.06.2005 in O.P.No.146 of 1999 on the file of the Motor Accident Claims Tribunal-cum-IV Additional District Judge (III Fast Track Court), Khammam (for short 'the Tribunal').

2. Heard the learned Standing Counsel for appellant-Insurance Company and perused the record.

3. Though the notice was served to the respondent-claimant, none appeared on her behalf. As this appeal is pertains to the year, 2005, it can be disposed of on merits basing on the material available on record.

4. Learned counsel for the appellant-Insurance Company would contend that the deceased-M.Kondaiah died due to the burn injuries. There is ample evidence on record to that effect. The finding of the Tribunal is that the deceased died due to the accidental injuries and also burns. There is no justification in holding so. Further, the interest @ 9% per annum on the compensation awarded by the Tribunal is excessive and ultimately, prayed to allow the appeal as prayed for.

5. As per the evidence placed on record, the deceased-M.Kondaiah suffered injuries in a motor accident that occurred on 22.06.1998 due to the rash and negligent driving of the driver of

scooter bearing No.AP-20C-5864. The injuries suffered by the deceased are as follows:-

1. Contusion on middle of right leg 2 x 2.
2. Contusion $\frac{1}{2}$ x $\frac{1}{2}$ right side chest.

6. As per the evidence, due to the said injuries, the deceased was completely bedridden. On 18.08.1998 around 8.00 pm when the deceased was at his house, there was a fire accident. The deceased could not move, because of the said injuries and sustained burn injuries. Later, on 19.08.1998, he succumbed to the said injuries. Had the deceased not suffered injuries in the motor accident, he would have escaped from the fire accident. As such, the injuries suffered by him in the said accident led to his death. The Tribunal while dealing with these aspects granted compensation of Rs.1,60,000/- with interest @ 9% per annum from the date of petition till the date of realisation. The granting of interest @ 9% per annum on the compensation awarded for the death of a man, who suffered the aforementioned injuries in a motor accident and died in a fire accident, is justified. Therefore, there is nothing to take a different view.

7. In the result, the appeal is dismissed.

The Miscellaneous Petitions, if any, pending shall stand closed.

No costs.

Dr. SHAMEEM AKTHER, J

Date: 24.08.2018
ssp