

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2199 of 2005

JUDGMENT:

This appeal, under Section 173 of the Motor Vehicles Act, 1988 ('the Act', for brevity), is filed by the appellant-the United India Insurance Company Limited, challenging the Order, dated 17.05.2005, passed in O.P.No.42 of 2003, by the Chairman, Motor Accidents Claims Tribunal-cum-V Additional District Judge, Nalgonda at Miryalguda ('the Tribunal', for brevity).

2. Heard the learned counsel for the appellant-Insurance Company and perused the record. Despite listing this matter under the caption "For Orders", there is no representation for the respondents 1 & 2/claimants. 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 counsel for the respondents 1 & 2/claimants to advance arguments.

3. The learned Standing Counsel for the appellant-Insurance Company would contend that the Tribunal had not followed the settled principles in assessing and awarding compensation of Rs.2,25,000/- with interest @ 9% per annum from the date of petition till the date of deposit in favour of the respondents 1 and 2/claimants. The compensation granted is excessive and ultimately prayed to set aside the Order under challenge by allowing the appeal.

4. As seen from the material on record, the deceased-Yedelli Nangamma, a 14 years girl, died in a motor accident occurred on 06.04.2001, due to rash and negligent driving of the driver of the

lorry bearing registration No.AP-11-T-7146. The respondents 1 and 2/claimants, who are the parents of the deceased, claimed a compensation of Rs.2,50,000/-, whereas, the Tribunal awarded a compensation of Rs.2,25,000/- with interest @ 9% per annum from the date of petition till the date of deposit, relying on the decision of the Apex Court in the case between Lata Wadhwa and others Vs. State of Bihar¹. Viewed from any angle, grant of compensation of Rs.2,25,000/- with interest @ 9% per annum from the date of petition till the date of deposit to the claimants for the death of a 14 years girl is not excessive, on the other hand, it is just and reasonable. There is nothing to interfere with the impugned order. The appeal is devoid of merit and is liable to be dismissed.

5. In the result, the appeal is dismissed. No costs.

Miscellaneous Petitions pending, if any, shall stand closed.

20th July, 2018
Bvv

Dr. SHAMEEM AKTHER, J

¹ AIR 2001 Supreme Court 3218