

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.1578 OF 2006

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 09.01.2006 in O.P.No.606 of 2003 on the file of the Motor Accident Claims Tribunal-cum-VI Additional District Judge (Fast Track Court), Nizamabad at Kamareddy (for short, 'the Tribunal').

2. Heard the learned counsel for the appellant-Insurance Company, the learned counsel for the respondents-claimants and perused the record.

3. Learned counsel for the appellant-Insurance Company would contend that the Tribunal had granted excess compensation of Rs.2,25,000/- with interest @ 9% per annum. It is also contended that there was no rashness or negligence on the part of the driver of the lorry bearing No.KA-19/4533.

4. On the other hand, learned counsel for the respondents-claimants would contend that the Tribunal had taken all the facts and circumstances into consideration and awarded just and reasonable compensation. There are no circumstances to interfere with the order under challenge and ultimately prayed to dismiss the appeal.

5. There is ample evidence on record to establish the rashness and negligence on the part of the driver of the lorry bearing No.KA-19/4533 in causing the accident and the death of the deceased Durgagoud on 19.02.2003. There is nothing to

take a different view. The deceased-Durgagoud was 14 years old on the date of accident. The same was established by post-mortem report, oral and other documentary evidence. As per the evidence, the deceased was student. The Tribunal took his notional income as Rs.15,000/- per annum and ultimately granted compensation of Rs.2,25,000/- against the claim of Rs.2,00,000/-. The assessment is based on settled principles. Further, in the circumstances of the case, granting 9% interest on compensation of Rs.2,25,000/- for the death of 14 years boy is found to be just. There are no circumstances to interfere with the order under challenge. The appeal is devoid of merit and is liable to be dismissed.

6. The appeal is dismissed accordingly.

The Miscellaneous Petitions, if any, pending shall stand closed. There shall be no order as to costs.

Date: 16.07.2018
ssp

Dr. SHAMEEM AKTHER, J