

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A. No.2268 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 18.07.2006 in O.P.No.200 of 2005 on the file of the Chairman, Motor Accident Claims Tribunal-cum-Principal District Judge, Medak at Sangareddy (for short, 'the Tribunal').

2. Heard the learned counsel for the appellant-Insurance Company and perused the record. The appeal against respondent No.3-owner was dismissed on 07.04.2017 for default. No representation for the respondents-claimants. This appeal is of the year 2006. Hence, it can be disposed of on merits.

3. Learned counsel for the appellant-Insurance Company would contend that the Tribunal was pleased to grant compensation of Rs.3,03,000/-. The Tribunal had granted excess compensation taking excess monthly income of the deceased-Mohd. Owais Ahmed Khan. There is no justification in granting the said amount and ultimately prayed to reduce the same. It is further contended that the deceased was responsible for the occurrence of accident. Therefore, on that score also the compensation is liable to be reduced.

4. As per the evidence on record, on 24.03.2004, the deceased was riding motorcycle bearing No.AP 23/E 9096 and

when he reached BHEL guest house, a Tata Van bearing No.AP 28/V 4019 was driven by its driver in a rash and negligent manner dashed against the motorcycle of the deceased, due to which the deceased sustained injuries and succumbed to the same. There is also criminal case record and oral evidence to substantiate the same. The Tribunal had rightly held that due to the rash and negligent driving of the driver of Tata Van bearing No.AP 28/V 4019, the accident was occurred.

5. The Tribunal while assessing the compensation took the age of the deceased as 24 years and granted compensation of Rs.2,88,000/- towards loss of dependency and Rs.15,000/- toward loss of estate. In all, the Tribunal granted total compensation of Rs.3,03,000/-. It is just and reasonable. There are no circumstances to reduce the same. The appeal is devoid of merit and is liable to be dismissed.

6. In the result, the appeal is dismissed.

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

Dr. SHAMEEM AKTHER, J

Date: 09.07.2018
ssp