

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

C.M.A.No.3982 OF 2004

JUDGMENT:

This appeal is filed by the appellant-Insurance Company under Section 173 of the M.V. Act, aggrieved by the judgment, dated 13.07.2004, in O.P.No.82 of 2002, passed by the Motor Accident Claims Tribunal-cum-III Addl. District Judge, Warangal, wherein compensation of Rs.1,50,000/- was awarded to the claimants.

2. Heard both sides and perused the record.

3. Learned standing counsel for the appellant-Insurance Company would submit that the deceased-Mudraboina Nagamma, was 8 years old girl. The Tribunal had granted compensation of Rs.1,50,000/-, which is excessive and ultimately, prayed to reduce the same.

4. Learned counsel for the respondents-claimants would submit that the Tribunal after taking all the factors into consideration, granted compensation as mentioned above. There are no circumstances to interfere with the same and ultimately, prayed to dismiss the appeal.

5. There is no dispute with regard to the death of the deceased due to rash and negligent driving of the tipper bearing No. AP 13 T 5383 by its driver, which occurred on 23.05.2001. As per the evidence placed on record, the deceased was 8 years old girl. The Tribunal assessed compensation of Rs.1,50,000/- towards loss of dependency, Rs.2,000/- towards funeral expenses and Rs.10,000/- towards mental agony. In all, the Tribunal assessed compensation of Rs.1,62,000/-. As the claimants claimed

compensation of Rs.1,50,000/-, the claim was restricted to Rs.1,50,000/- and the same was awarded with interest at 9% p.a. from the date of petition till the date of realization. No infirmity is found in the judgment passed by the Tribunal. There is nothing to take a different view. Therefore, the appeal is devoid of merit and is liable to be dismissed.

6. Accordingly, the Civil Miscellaneous Appeal is dismissed. No order as to costs. Miscellaneous petitions, if any pending in this appeal shall stand closed.

DATED: 14-06-2018
Hsd

DR.SHAMEEM AKTHER, J

