

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3088 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 07.06.2005 in O.P.No.359 of 2002 on the file of the Motor Accident Claims Tribunal-cum-IV Additional District & Sessions Judge (Fast Track Court), Ranga Reddy District at L.B. Nagar (for short, 'the Tribunal').

2. Heard the learned counsel for the appellant-Insurance Company and perused the record. Though the matter is posted under the caption 'for orders', there is no representation for the respondents-claimants. This appeal is of the year, 2005. Hence, it can be disposed of on merits.

3. Learned counsel for the appellant-Insurance Company would contend that the Tribunal had granted excess compensation and also contended that the offending vehicle was not insured with the appellant-Insurance Company and prayed to set aside the order under challenge.

4. Basing on the above submissions, the points that arise for determination are:

1. Whether the Tribunal justified in granting compensation of Rs.2,50,000/- with interest @ 9% per annum from the date of petition till the date of deposit?
2. Whether the offending vehicle bearing No.AP 9T 1059 was insured with the appellant-Insurance Company on the date of accident?

5. There is no dispute with regard to the death of the deceased-Sathaiah in a motor accident caused by vehicle tempo service bearing No.AP 9T 1059 being driven by its driver in rash and negligent manner on 17.05.2001. The dispute is with regard to quantum of compensation.

6. As per the evidence placed on record, the deceased-Narre Sathaiah was 45 years old and earning Rs.3,000/- per month. The claimants were dependants on him. Taking the facts and circumstances into consideration, the Tribunal assessed the compensation payable to the claimants at Rs.2,34,000/- towards loss of dependency and awarded some amount towards conventional heads and ultimately granted total compensation of Rs.2,50,000/-. The grant of compensation of Rs.2,50,000/- for an earning person of 45 years is just and reasonable. There are no circumstances to interfere with the same.

7. None were examined on behalf of the appellant-Insurance Company to substantiate that the offending vehicle bearing No.AP 9T 1059 was not insured on the date of occurrence of accident. The Tribunal while dealing with the subject matter having examined Ex.B1-insurance policy held that there was valid insurance policy of the offending vehicle on the date of occurrence of accident and the risk of the deceased is covered under Ex.B1-insurance policy. In view of that there is nothing to take a different view. All contentions raised on behalf of the appellant-Insurance Company do fail. The appeal is devoid of merit and is liable to be dismissed.

8. In the result, the appeal is dismissed.

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

No costs.

Dr. SHAMEEM AKTHER, J

Date: 19.07.2018
ssp

