

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2006 of 2006

JUDGMENT:

Aggrieved by the grant of compensation of Rs.1,00,000/- as against a claim of Rs.2,00,000/- by the Chairman, Motor Accident Claims Tribunal-cum-I Additional District Judge, Nalgonda ('the Tribunal' for brevity), vide order, dated 31.03.2005, passed in O.P.No.1109 of 2001, the claimants preferred this appeal under Section 173 of the Motor Vehicles Act, 1988 ('the Act', for brevity) seeking enhancement of compensation.

2. Heard the learned Standing Counsel for the 2nd respondent-Insurance Company and perused the record. Despite listing this matter under the caption "For Orders", there is no representation for the appellants-claimants. This appeal is of the year 2006. Hence, it can be disposed of on merits, basing on the material on record, without waiting for the learned Standing Counsel for the 2nd respondent-Insurance Company to advance arguments.

3. In the grounds of appeal, the appellants-claimants contended that grant of compensation of Rs.1,00,000/- with interest at the rate of 8% per annum from the date of petition till realisation is meagre. The Tribunal had not appreciated the evidence on record in right perspective and ultimately prayed to enhance the compensation as claimed.

4. On the other hand, the learned Standing Counsel for the 2nd respondent-Insurance Company contended that the Tribunal is justified in granting a compensation of Rs.1,00,000/- with interest @ 8% per annum from the date of petition till realisation and ultimately prayed to dismiss the appeal by confirming the Order under challenge.

5. As seen from the evidence on record, on 14.07.1997, the deceased-Mohan Rao was driving the van bearing registration No.AP-05-U-2397 from Hyderabad to Vijayawada. When the van reached Barakathgudem village on NH-9, one tanker bearing registration No.AP-24-T-6507, being driven by its driver in rash and negligent manner and at high speed, dashed against the van. The deceased succumbed to the injuries suffered by him in the subject accident. As per the FIR, the deceased was guilty of negligence in driving the Van bearing registration No.AP-05-U-2397 and also responsible for his death. The Tribunal, by taking these factors into consideration, though assessed the compensation payable to the appellants-claimants as Rs.2,86,000/-, restricted the claim to Rs.2,00,000/- since the claim was for the said amount only and granted an amount of Rs.1,00,000/- as compensation with interest @ 8% per annum from the date of petition till realisation, attributing contributory negligence. Since the deceased contributed for the occurrence of the subject accident and also for his death, the Tribunal rightly apportioned the compensation. There is no infirmity in doing so. There is nothing to take a different view. The appeal is devoid of merit and is liable to be dismissed.

6. In the result, the appeal is dismissed.

Miscellaneous Petitions pending, if any, shall stand closed.

No order as to costs.

Dr. SHAMEEM AKTHER, J

04th July, 2018
Bvv

