

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

C.M.A.No.4868 OF 2004

JUDGMENT:

This appeal, under Section 173 of the Motor Vehicles Act, 1988, is filed by the appellant/the United India Insurance Company Limited, aggrieved by the grant of compensation of Rs.52,500/- as against a claim of Rs.1,00,000/- to the respondents 1 to 3/claimants, by the learned Chairman, Motor Accident Claims Tribunal – cum – V Additional District Judge, Anantapur (for short, “the Tribunal”) *vide* order, dated 09.08.2004, passed in O.P.No.50 of 2002.

2. Heard the submissions of the learned Standing Counsel appearing for the United India Insurance Company Limited representing the appellant and the learned Standing Counsel appearing for the National Insurance Company Limited representing respondent No.6. Though this matter is posted today under the caption “For Orders”, there is no representation on behalf of the respondents 1 to 3/claimants. The appeal pertains to the year 2004. So, it can be disposed of basing on the material available on record.

3. Learned Standing Counsel for the United India Insurance Company Limited representing the appellant would contend that the deceased B.Lakshmidēvi did not travel in the jeep bearing No.APR 6267/offending vehicle, however, the Tribunal granted a compensation of Rs.50,000/- under no fault liability and another Rs.2,500/- towards funeral expenses and in all, granted an

amount of Rs.52,500/-, which is erroneous, and ultimately, prayed to set aside the impugned order and allow the appeal as prayed for.

4. On the other hand, learned Standing Counsel appearing for the National Insurance Company Limited representing respondent No.6 supported the appellant.

5. While determining issue No.2, the Tribunal held that the post mortem report and inquest report marked as Exs.A-3 and A-4 respectively do not disclose the name of the deceased i.e., B.Lakshmidevi. The claimants have stated that their mother travelled to Srisailam in the jeep bearing No.APR 6267. As per the evidence on record, the driver of jeep bearing No.APR 6267 immediately absconded after causing the accident. In Exs.A-1 and A-2 – certified copies of F.I.R. and charge sheet, there is mention of death of a woman in the subject accident. There is a tattoo mark on the left hand of the deceased as “Ademma” and by looking the said tattoo, the deceased was identified. As per Ex.A-5 – Motor Vehicle Inspector Report, the accident occurred not due to mechanical defects of the offending vehicle. The claimants identified the deceased by looking at the said tattoo on left hand. It cannot be said that there is no identification of the deceased in the said accident. Considering the same, the Tribunal granted an amount of Rs.50,000/- towards no fault liability and Rs.2,500/- towards funeral expenses and the same cannot be faulted with. The said compensation granted by the Tribunal in favour of the respondents 1 to 3/claimants cannot be faulted. There are no circumstances 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. There shall be no order as to costs.

7. Miscellaneous petitions pending, if any, in this appeal shall stand closed.

DR.JUSTICE SHAMEEM AKTHER

Date : 26.07.2018
AMD



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