

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. NO.477 OF 2014

JUDGMENT:

This appeal is preferred by the appellant/insurance company questioning the order of the Motor Accident Claims Tribunal-cum-VII Additional District Judge (FTC), Visakhapatnam (for short, the Tribunal) in M.V.O.P.No.370 of 2009 dated 31.10.2011, on the ground that the appellant is not liable to pay the compensation awarded by the Tribunal.

2. The brief facts of the case are that on 3.01.2009 at about 8.00 AM., while Billana Satyavathi (herein after referred to as the deceased) was waiting for crossing the road on NH-5 opposite to Srikanth Apartments, Venkojipalem, one auto bearing No.AP31TU 4700, coming from Hanumanthawaka side, driven by its driver in a rash and negligent manner at high speed, dashed the deceased, due to which, she sustained grievous injuries all over her body and immediately, she was shifted to KGH through 108 ambulance and on examination, the doctor declared her dead. The claimants filed a petition, claiming compensation of Rs.2,00,000/-.

3. The first respondent in the claim petition remained ex parte. The second respondent filed a counter denying the allegations and contended that the insurance company is not liable to pay any compensation and therefore prayed to dismiss the claim petition.

4. After considering the oral and documentary evidence on record, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the auto and awarded Rs.1,45,000/-, with interest at the rate of 7.5%

per annum. Aggrieved by the said order, the appellant/insurance company filed the present appeal.

5. Heard.

6. A perusal of the order reveals that the Tribunal passed a well considered order by taking into consideration the age of the deceased girl who is five years old and by applying the multiplier in the light of the judgment of the Apex Court in **Smt.Sarla Varma V. Delhi Transport Corporation**¹. Hence, this appeal needs no interference and the same is liable to be dismissed.

7. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed. Miscellaneous petitions pending, if any, shall stand dismissed. No order as to costs.

Date: 26-11-2018
Shr

T.AMARNATH GOUD,J

¹ 2009(6) SCC 121