

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

MACMA No.2689 of 2018

Date: 09.11.2018

Between :

Future General India Insurance Company Ltd.

... Appellant

And

Busipalli Syamala and others.

... Respondents

COUNSEL FOR APPELLANT : Sri T. Mahender Rao
Standing Counsel

COUNSEL FOR RESPONDENTS :

THE COURT MADE THE FOLLOWING:



JUDGMENT : (per Hon'ble Sri Justice Gudiseva Shyam Prasad)

The appellant - M/s. Future General India Insurance Company Limited has filed the present appeal aggrieved by the judgment and decree dated 14.05.2018 in M.V.O.P.No.615 of 2015 passed by the Chairman, Motor Vehicle Accident Claims Tribunal-cum-XXVII Additional Chief Judge, City Civil Court, Secunderabad (for brevity "the Tribunal").

Heard the arguments of the learned Standing Counsel for the appellant – Insurance Company and the appeal is being disposed of at the admission stage.

The present appeal is filed mainly contending that though the accident occurred due to the negligence on the part of the driver of the DCM bearing No.AP 23Y 0128, the Tribunal held that the accident occurred due to the mistake of both the vehicles i.e., Car and DCM vehicle and accordingly fixed the liability against respondent No.3 – Insurer of the Car. It is contended that the compensation of Rs.43,12,000/- awarded by the Tribunal is highly excessive and exorbitant, as an amount of Rs.1,00,000/- was awarded towards loss of expectation of life. It is also contended that the rate of interest at 7.5% per annum awarded by the Tribunal is excessive and the same is liable to be reduced to 6% per annum.

A perusal of the judgment passed by the Tribunal reveals that the Tribunal has given cogent and convincing reasons while awarding compensation by following the judgments of the Hon'ble Apex Court in NATIONAL INSURANCE COMPANY LIMITED Vs. PRANAY SETHI AND OTHERS¹ and RAJESH AND OTHERS Vs. RAJBIR SINGH AND OTHERS². There is no material on record to show that the negligence is only on the part of the driver of the DCM Van, therefore, the Tribunal has rightly held that the drivers of both the vehicles are equally responsible for the accident and accordingly fixed the liability against the appellant – Insurer to pay the compensation.

For the aforesaid reasons, the appeal filed by the appellant – Insurer is without any merit and hence we are not inclined to entertain the same.

Accordingly, the appeal is dismissed at the admission stage.

No order as to costs.

As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

C.V. NAGARJUNA REDDY, J

GUDISEVA SHYAM PRASAD, J

09.11.2018.

Msr

¹ (SLP (Civil) No.25590 of 2014, dated 31.10.2017)

² 2013 ACJ 1403

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