

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. NO.1274 OF 2011

JUDGMENT:

This appeal is preferred by the appellant/Insurance Company questioning the order of the Motor Accident Claims Tribunal-cum-III Additional Chief Judge, City Civil Court, Hyderabad (for short, the Tribunal) in O.P.No.1833 of 2008, dated 07.05.2010.

2. The brief facts of the case are that respondent No.1 is the wife, respondent Nos.2 and 3 are the children and respondent Nos.4 and 5 are the parents of the deceased, M.Narsimha. On 28.05.2008 at 3.30 pm., while the deceased and his friend were proceeding on a scooter, and when they reached near Kishanguda Bridge on N.H.No.7, Shamshabad, the driver of lorry bearing No.AP 22V 8889 drove it in a rash and negligent manner and dashed the scooter, as a result of which, the deceased sustained injuries and died on the spot. Respondent Nos.1 to 5 herein filed the aforesaid MVOP against owner of the lorry (respondent No.6 herein) and insurer of the lorry (appellant herein), claiming compensation of Rs.10,00,000/- for the death of the deceased.

3. Before the Tribunal, owner of the lorry, remained *ex parte*. The appellant-Insurance Company filed a counter denying the allegations and contended that the amount claimed by the claimants is highly excessive and that it is not liable to pay any compensation and 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 lorry and awarded total compensation of Rs.5,90,000/- under various heads, with interest at the rate of 6% per annum. Aggrieved by the said order, the appellant/Insurance Company filed the present appeal.

5. Heard.

6. Though respondent Nos.1 to 5 claimed that the deceased was earning Rs.10,000/- per month by doing agriculture and business, they did not file any proof to that effect. In those circumstances, the Tribunal fixed the notional income of the deceased at Rs.4,500/- per month by considering the deceased as an agriculturist, which is quite reasonable. A perusal of the order of the Tribunal, I see no grounds to interfere with the same and hence, the appeal 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.

T.AMARNATH GOUD, J

Date: 19-08-2019
TJMR