HON'BLE SRI JUSTICE T. AMARNATH GOUD

M.A.C.M.A.No.3741 of 2011 & Cross Objections SR No.27312 of 2015

COMMON JUDGMENT:

M.A.C.M.A.No.3741 of 2011 is filed assailing the judgment and award dated 31-07-2004 passed in O.P.No.434 of 2002 on the file of the Chairman, Motor Accidents Claims Tribunal (I Additional District Judge), Warangal.

2. Brief facts of the case are that the claimants, who are the legal heirs of the deceased-M.Jagadeeshwara Rao, filed the claim petition against the appellant and 3rd respondent herein, who are the owner and insurer of the crime vehicle, claiming compensation of Rs.8.17 lakhs for the death of the deceased in a motor accident while he was travelling in a motorcycle.

3. In the claim petition, the appellant-insurer 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 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 crime vehicle and awarded total compensation of Rs.4,97,000/- under various heads, with interest at the rate of 9% per annum, payable by both the

appellant and 3rd respondent jointly and severally. Aggrieved by the said order, the appellant/insurer filed the present appeal.

5. Dissatisfied with the said award, the claimants have also filed Cross Objections SR No.27312 of 2015 claiming enhancement of the compensation awarded by the Tribunal.

6. Heard.

7. The case of the claimants was that the deceased worked in teaching faculty in Grow Infotech Company and he was paid consolidated pay of Rs.5,000/- per month. However, the Tribunal by taking his monthly income at the rate of Rs.4,000/-, granted an amount of Rs.4,80,000/- towards loss of income. Further, on perusal of the impugned order passed by the Tribunal, it is clear that the Tribunal after appreciating the oral and documentary evidence came to the conclusion and rightly granted compensation. I find no illegality or irregularity in the order passed by the Tribunal and therefore the order does not warrant any interference by this Court and accordingly, the appeal is liable to be dismissed.

8. Insofar as Cross Objections SR No.27312 of 2015 are concerned, consequent to the orders passed by this Court today in dismissing I.A.No.1 of 2016 (Cross Objections MP No.1350 of 2016), which is filed to condone the delay in filing the Cross Objections, these Cross Objections are also dismissed.

9. Accordingly, both the Appeal and Cross Objections are dismissed. No costs.

10. As a sequel, miscellaneous petitions pending in these appeals, if any, shall stand closed.

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T.AMARNATH GOUD, J

Date: 04.12.2019.
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HIGH COURT FOR THE STATE OF TELANGANA
HYDERABAD