

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.2235 OF 2009

JUDGMENT:

This appeal is filed by the appellants-claimants aggrieved by the Order and Decree dated 01.06.2007 passed in O.P.No.2804 of 2004 by the Motor Accidents Claims Tribunal-cum-Chief Judge, City Civil Courts, Hyderabad (for short, the Tribunal).

2. The brief facts of the case are that appellant No.1 is the wife, appellant No.2 is the daughter and appellant Nos.3 and 4 are the sons of the deceased, G.Nagaraju. On 25.01.2004, at about 12.30 pm., while the deceased was going to Shamshabad from Shah Ali Banda on his Bajaj Chetak scooter bearing No.AP12C 3657, and when he reached a pipe manufacturing company, Shamshabad, one lorry bearing No.AP9W 9429 came in a rash and negligent manner and hit the scooter. In the said accident, the deceased sustained grievous injuries all over the body. Immediately, he was shifted to CDR Hospital, Hyderguda, Hyderabad, and while taking the treatment, he succumbed to injuries. The appellants filed aforesaid OP claiming compensation of Rs.8,50,000/- against respondent Nos.1 to 3, owner, driver and insurer of the aforesaid lorry, respectively, for the death of the deceased.

3. Before the Tribunal, respondent No.1 filed counter stating that as respondent No.2 was having valid driving licence, respondent No.3 would be answerable to the claim. Respondent

No.2 remained *ex parte*. Respondent No.3 filed counter denying the averments of the claim petition and contended that the amount claimed is excessive 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.3,54,000/-, with interest @ 9% per annum, i.e., Rs.3,11,480/- towards loss of dependency, Rs.15,000/- towards loss of estate, Rs.2,000/- towards funeral expenses, Rs.520/- towards transport charges, Rs.10,000/- towards medical expenses and Rs.15,000/- towards loss of consortium. Dissatisfied with the quantum of compensation, the appellants filed the present appeal, seeking enhancement of the same.

5. Heard.

6. The Tribunal granted Rs.15,000/- towards loss of estate and Rs.2,000/- towards funeral expenses, which are meager. As per the decision of the Hon'ble Supreme Court in **National Insurance Co. Ltd. Vs. Pranay Sethi**¹, the appellants are entitled to Rs.70,000/- towards conventional heads. The other amounts granted by the Tribunal under different heads are just and reasonable and need no interference.

¹ 2017(6) ALD 170 (SC)

7. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed enhancing the compensation amount awarded by the Tribunal from Rs.3,54,000/- to Rs.4,07,000/-. The enhanced amount shall carry interest @ 7.5% per annum. Miscellaneous petitions pending, if any, shall stand closed. No costs.

T.AMARNATH GOUD, J

Date: 02.07.2019
TJMR

