

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.511 OF 2014

JUDGMENT:

This appeal is preferred by the appellant-insurance company against the award, dated 25.11.2013 passed in O.P.No.77 of 2011 by the Motor Accidents Claims Tribunal-cum-II-Additional District Judge, Karimnagar at Jagtial (for short 'the Tribunal) granting compensation of Rs.5,67,000/- against the claim of Rs.6,00,000/- on account of the death of Buram @ Suthari Narsaiah in the accident occurred on 22.09.2009.

2. For the sake of convenience, the parties herein after will be referred to as they were arrayed before the Tribunal.

3. Learned counsel for the appellant contended that the tribunal has taken the income of the deceased as Rs.90,000/- per annum without any proof, the tribunal erred in holding that the appellant is liable to pay the compensation with interest and costs and that respondents 2 to 5, who are married sons and daughters of the deceased though come in the category of the legal representatives, they cannot be considered as dependant legal heirs as held in **APSRTC v Shafiya Khatoon**¹ and in **Seshapu Ramulamma v Doppalapudi Raju and others**² and that the compensation and interest granted by the tribunal is on higher side and therefore, prayed to allow the appeal by setting the award of the Tribunal.

¹ 1985 ACJ 212

² 2009 ACJ 2818

4. The Motor Vehicle Act is a beneficial legislation as held by the Apex Court in several judgments. Section 166 of the Act reads as under:

166. Application for compensation.—

(1) An application for compensation arising out of an accident of the nature specified in sub-section (1) of section 165 may be made—

(a) by the person who has sustained the injury; or

(b) by the owner of the property; or

(c) where death has resulted from the accident, by all or any of the legal representatives of the deceased; or

(d) by any agent duly authorised by the person injured or all or any of the legal representatives of the deceased, as the case may be: Provided that where all the legal representatives of the deceased have not joined in any such application for compensation, the application shall be made on behalf of or for the benefit of all the legal representatives of the deceased and the legal representatives who have not so joined, shall be impleaded as respondents to the application.

As held by the Apex Court in **G.S.R.T.C. v Ramanbhai Prabhatbhai**³ that even under the old act, married sons and daughters can be considered to be legal representative and are entitled for compensation. At the time of accident, the deceased is doing civil contracts. In view of the accident occurred in the year 2009 and the matter is decided in the year 2019, taking economic status prevailing, it requires re-determination of monthly income and accordingly, this Court feels that the monthly income as rightly taken by the tribunal is just and proper and needs no interference. The award passed by the tribunal is well considered in all aspects.

5. In view of the above, the appeal filed by the appellant – insurance company is dismissed confirming the award, dated 25.11.2013 passed in O.P.No.77 of 2011 by the Motor Accidents

³ 1987 ACJ 561 SC

Claims Tribunal-cum-II-Additional District Judge, Karimnagar at Jagtial. There shall be no order as to costs.

Miscellaneous petitions, if any pending in this appeal shall stand closed.

T.AMARNATH GOUD,J

DATE 14.08.2019
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