

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.5490 OF 2008

JUDGMENT:

This appeal is preferred by the appellant/2nd respondent/insurance company questioning the order of the Motor Accidents Claims Tribunal-cum-V Additional District Judge (Fast Track Court), Mahabubnagar (for short, the Tribunal) in O.P.No.500 of 2004 dated 13.08.2008.

2. For the sake of convenience, the parties are hereinafter referred to as they were arrayed before the Tribunal in the original petition.

3. The brief facts of the case are that on 21.01.2004 on the request of the 1st respondent, the deceased-Ryakala Thirupathaiah went in a jeep bearing No.AP20-U-8665 and in return journey at Rangareddyguda Village, the driver of the offending vehicle drove the same in rash and negligent manner and dashed against the opposite vehicle, due to which the deceased and two others died on the spot. At the time of the accident, the deceased was hale and healthy and earning Rs.4,000/- per month as maistry and it is the only source of income to the petitioners. The 1st petitioner is the wife, petitioners 2 & 3 are the children and the 4th petitioner is the mother of the deceased. Due to the untimely death of the deceased, the petitioners lost the financial support. Hence, the petitioners filed the claim petition claiming

compensation of Rs.5,00,000/-, payable by both the respondents, being the owner and insurer of the offending vehicle.

4. In the claim petition, the 1st respondent remained *ex parte*. The 2nd respondent filed 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.

5. 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.4,16,000/- with interest @ 7.5% per annum, payable by both the respondents jointly and severally. Aggrieved by the said order, the appellant/2nd respondent/insurance company filed the present appeal.

6. Heard.

7. A perusal of the order reveals that the Tribunal passed a well considered order by taking into consideration all the aspects and as against the claim of Rs.5,00,000/-, the Tribunal awarded an amount of Rs.4,16,000/- with interest @ 7.5% per annum from the date of petition till the date of realization. Hence, this Court finds that the compensation

awarded by the Tribunal is just and reasonable. Therefore, I see no reason to interfere with the order of the Tribunal and the appeal is liable to be dismissed.

8. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed confirming the award and decree passed by the Tribunal in all respects, including the rate of interest. No order as to costs.

Miscellaneous petitions pending, if any, shall stand dismissed.

T.AMARNATH GOUD, J

Date: 30th December, 2019

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