

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. NO.2522 OF 2009

JUDGMENT:

This appeal is preferred by the appellant/Insurance Company questioning the Award of the Additional Metropolitan Sessions Judge for the Trial of Jubilee Hills Car Bomb Blast Case-cum-Additional Family Court-cum-XXIII Additional Chief Judge, Red Hills, Nampally at Hyderabad (for short, the Tribunal) in O.P.No.848 of 2003, dated 28.09.2005.

2. The brief facts of the case are that respondent No.1 is the wife and respondent Nos.2 and 3 are the sons of the deceased, Kacham Gangaiah. On 18.01.2004, the deceased hired lorry bearing No.APT 6491 for transporting rice bran to Hyderabad. On 19.01.2003, after unloading the same, while he was returning to Siddipet, the driver of the said lorry, driven it in a rash and negligent manner and dashed other lorry on Rajiv Rahadari, near Sub Station of Duddeda village shivar of Kondapaka Mandal, Medak District, as a result of which, the deceased died on the spot. Respondent Nos.1 to 3 herein filed the aforesaid MVOP against the owner of the lorry (respondent No.4 herein) and the insurer of the lorry (appellant herein), claiming compensation of Rs.3,50,000/- 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 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 lorry and awarded total compensation of Rs.3,23,000/- 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. A perusal of the order of the Tribunal, it is evident that it has taken the income of the deceased at Rs.3,000/- per month in calculating the loss of dependency. The Tribunal also awarded Rs.15,000/- towards loss of consortium, Rs.15,000/- towards loss of estate, Rs.5,000/- towards transportation and funeral expenses and Rs.10,000/- towards loss of support, love and affection, which do not require any interference by this Court. Therefore, I see no reason to interfere with the order of the Tribunal and 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: 25-06-2019
TJMR