

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.2618 OF 2007

JUDGMENT:

This appeal is preferred by the appellant/2nd respondent/insurance company questioning the order of the Chairman, Motor Accident Claims Tribunal-cum-II Additional District Judge, at Warangal (for short, the Tribunal) in O.P.No.65 of 2005 dated 11.07.2007.

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 the 1st petitioner is the wife, petitioners 2 & 3 are the minor sons and the 4th petitioner is the mother of the deceased-Koppula Ramu. On 30.01.2004, the deceased along with his friend came to Warangal by Suzuki Motor Cycle bearing No.AP 36 G 2422 to attend D.E.O. Office. After completion of his work at D.E.O's Office, he was returning back to Wardhannapet. When they reached near Fort Road, Devi Industries and proceeding on the extreme left side of the road, one auto rickshaw bearing No.AP 36T 4143 proceeding from Warangal to Wardhannapet side came at high speed, driven by its driver in a rash and negligent manner and while trying to overtake the motor cycle without blowing horn, dashed to the motor cycle from its behind. Due to the accident, the deceased fell down and had sustained severe injuries all over his body. The said motor cycle was completely damaged. Soon after the

accident, the deceased was shifted to MGM Hospital for treatment, while undergoing treatment, the deceased had succumbed to injuries. The deceased was aged about 30 years by the time of the accident and he was working as Government Teacher and was earning Rs.7,173/- per month by the date of the accident. The respondents 1 & 2 are the owner and insurer of the offending auto. Therefore, the petitioners filed the claim petition claiming a compensation of Rs.16,00,000/- along with interest @ 10% per annum, payable by both the respondents jointly and severally.

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

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 on the strength of the evidence of P.Ws.1 to 4 & R.Ws.1 to 3 and Exs.A-1 to A-7, Ex.X-1 & Exs.B-1 & B-2, the Tribunal awarded total compensation of Rs.10,43,000/- with interest @ 7.5% per annum i.e., Rs.10,08,000/- towards loss of dependency, Rs.15,000/- towards loss of consortium, Rs.15,000/- towards loss of estate and Rs.5,000/- towards funeral expenses. Aggrieved by the said order, the appellant/2nd respondent/insurance company filed the present appeal.

6. Heard Mr. Kota Subba Rao, learned standing counsel appearing for the appellant/insurance company and Mr. Ajay Kumar Madisetty, learned counsel appearing for the respondents.

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.16,00,000/-, the Tribunal awarded an amount of Rs.10,43,000/- with interest @ 7.5% per annum. 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: 25th October, 2019

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