

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.266 of 2008

JUDGMENT:

This appeal is preferred by the appellant/insurer questioning the order of the Motor Accident Claims Tribunal-cum-District Judge, Mahabubnagar (for short, the Tribunal) in O.P.No.717 of 2005 dated 29-08-2007.

2. The brief facts of the case are that on 05-07-2005 while the deceased Eedamma along with others was returning to their native from Raipur District to Chatishgad State, and when they reached near Rukmapur village, Choppadandi Mandal, Karimnagar District, at about 4.00 am, the driver of their bus bearing No.AP-9/U-1372 drove it in rash and negligent manner and hit the bus to a tree, due to which Eedamma died on the spot. Hence, the claimants, who are the husband and children of the deceased, filed the O.P. seeking compensation of Rs.3,00,000/- for the death of Eedamma in the said accident.

3. In the claim petition, the appellant-insurer 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 bus and awarded total compensation of Rs.2,30,000/- under various heads, with interest at the rate

of 7.5% per annum. Aggrieved by the said order, the appellant/insurer filed the present appeal.

5. Heard.

6. The case of the claimants was that the deceased was working as coolie and though they have claimed to fix an amount of Rs.100/- per day as daily income of the deceased, the Tribunal fixed the income of the deceased at Rs.70/- per day only and after deducting 1/3rd of the income towards personal expenses, the Tribunal awarded compensation by applying correct multiplier. Hence, the award granted by the Tribunal does not require any interference.

7. In view of the findings of the Court below in answering issue Nos.1 and 2, this Court feels that the awarded compensation is just and proper and requires no interference and therefore, the appeal filed by the insurer is liable to be dismissed.

8. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed.

9. Miscellaneous petitions pending, if any, shall stand dismissed.
No order as to costs.

T.AMARNATH GOUD, J

Date: 15-07-2019
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