

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.1180 OF 2008

JUDGMENT:

This appeal is filed by the appellant – Insurance Company aggrieved by the order and decree dated 31.01.2007 passed in M.P.O.P.No.101 of 2006 by the Motor Accident Claims Tribunal-cum-I Additional Chief Judge, City Civil Court, Secunderabad (for short, the Tribunal), whereby the Tribunal awarded compensation of Rs.3,37,000/- on account of death of the deceased as against the claim of Rs.5,00,000/-.

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

3. The brief facts of the case are that on 16.03.2006 at about 10:00 A.M., while the deceased was proceeding in an auto bearing No.AP 23V 7708 from Royalpur Village towards Medak on the extreme left side of the road and when they reached near Royalpur Village Outskirts, the driver of the auto stopped the same to get down the passengers in front of the Subbaraju Farm House on Narsapur to Medak Road, meanwhile suddenly one Tipper Lorry bearing No.AP 05X 0227 came in a rash and negligent manner with high speed, dashed the auto from backside, as a result the deceased sustained head injury and other grievous injuries all over the body. Immediately, he was shifted to Gandhi Hospital at Secunderabad, where he succumbed to injuries on 27.03.2006 at about 1:00 P.M. The petitioners incurred Rs.40,000/- towards his treatment.

4. Respondent No.1 – owner of the crime vehicle remained *ex parte* before the Tribunal. Respondent No.2 – insurer filed its counter denying the averments made in the claim petition and contended that the amount awarded is excessive and prayed to dismiss the claim petition.

5. The Tribunal, after considering the oral and documentary evidence available on record, came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the auto and awarded a total compensation of Rs.3,37,000/- with interest at 7.5% per annum.

6. Heard.

7. Admittedly, the Tribunal has rightly taken into consideration the exhibits which were filed in support of the claim that the deceased was aged 45 years and was doing agricultural activity and was cultivating commercial crops such as mirchi, paddy, cotton and vegetables etc., having Acs.05.00 of land at Railapur Village, Kowdipally, Medak, and was also running a dairy farm and was supplying about 50 liters of milk every day to various hotels in Narsapur and thus, he was earning Rs.10,000/- per month. Due to the sudden demise of the deceased, the petitioners were deprived of their livelihood. However, in the absence of proof of income, the Tribunal has taken into consideration the minimum salary of the deceased as Rs.3,000/- per month, which comes to Rs.36,000/- per annum. However, it is not the case of the claimants that the compensation granted by the Tribunal is on lower side. Therefore, the order passed by the Tribunal is well considered and requires no

consideration. Hence it is not necessary to go into the merits of order passed by the Tribunal which is just and reasonable.

8. In the result, the appeal is dismissed confirming the order and decree dated 31.01.2007 passed in M.P.O.P.No.101 of 2006 by the Motor Accident Claims Tribunal-cum-I Additional Chief Judge, City Civil Court, Secunderabad. There shall be no order as to costs.

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

Date:24.06.2019

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T. AMARNATH GOUD, J

