

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.4106 OF 2008

JUDGMENT:

This appeal is preferred by the appellant/2nd respondent/insurance company questioning the order of the Chairman, Motor Accident Claims Tribunal-cum-District Judge, Adilabad (for short, the Tribunal) in O.P.No.554 of 2004 dated 05.09.2007.

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 on 07.04.2004 in the morning while the deceased-Sampangi Shantaiah along with his wife and some others were traveling in a tipper bearing No.AP 26T 7178 from Sofinagar to Nagampet, on the way at about 9.30 hours near Picnic Daba, due to the rash and negligent and high speed driving, he could not control it, resultantly when a jeep came in its opposite direction, the tipper turned turtle and the deceased died on the spot and others received grievous injuries. Prior to the accident, the deceased was earning Rs.6,000/- per month as stone cutter and was contributing his entire earnings to the welfare of petitioners 1 & 2, who are his wife and son respectively, but because of sudden death of the deceased, the petitioners lost their love and affection and also dependency. Hence, the

petitioners filed the claim petition claiming compensation of Rs.3,00,000/-, payable by both the respondents, being the owner and insurer of the offending tipper.

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.1,71,000/- 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.3,00,000/-, the Tribunal awarded an amount of Rs.1,71,000/- 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: 30th December, 2019

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