

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.877 OF 2006

JUDGMENT:

This appeal is preferred by the appellants/respondents 2 & 3/insurance company questioning the order of the Chairman, Motor Vehicle Accident Claims Tribunal (District Court), at Warangal (for short, the Tribunal) in O.P.No.711 of 2004 dated 07.12.2005.

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 to 5 are the children and the 6th petitioner is the mother of the deceased-Konuoula Iylaiah. The deceased went to his relatives house at Ladnapur Village on his TVS Suzuki motor cycle and after completion of his work on 02.07.2004 morning, he was returning to his village. At about 8.30 a.m., by the time he reached the outskirts of Gangapuri Village, a lorry bearing No.AP 36V 6341, driven by its driver in a rash and negligent manner, dashed against the motor cycle of the deceased, as a result, the deceased fell down on the road along with his vehicle and sustained grievous injuries. Immediately after the accident, the deceased was shifted to Government Hospital, Manthani, and after getting first-aid, as per the advise of the doctors, he went to Government Hospital, Karimnagar. Unfortunately, he died at 11.00 a.m. on the way to

hospital due to the injuries caused in the said accident. The deceased was 40 years at the time of the accident and he was hale and healthy. He was working as General Mazdoor, SCC Limited, and drawing a salary of Rs.7,900/- per month at the time of his death. The deceased was the only earning member in the family and all the petitioners were dependents on his earnings. Hence, the petitioners filed the claim petition claiming a compensation of Rs.9,00,000/-, payable by both the respondents, who are owner and insurer of the lorry.

4. In the claim petition, respondents 1 & 2 remained *ex parte*. The 3rd 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 lorry and awarded total compensation of Rs.8,18,000/- with interest @ 7.5% per annum i.e., Rs.7,80,000/- towards loss of dependency, Rs.15,000/- towards loss of consortium, Rs.8,000/- towards funeral expenses and Rs.20,000/- towards loss of estate. Aggrieved by the said order, the appellants/respondents 2 & 3/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.9,00,000/-, the Tribunal awarded an amount of Rs.8,18,000/- with interest @ 7.5% per annum. Therefore, this Court finds that the compensation awarded by the Tribunal is just and reasonable and 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. No order as to costs.

Miscellaneous petitions pending, if any, shall stand dismissed.

T.AMARNATH GOUD, J

Date: 22nd October, 2019

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