

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.1217 OF 2008

JUDGMENT:

This appeal is filed by the appellants - claimants aggrieved by the award and decree dated 09.04.2001 passed in O.P.No.1736 of 1997 by the Motor Accident Claims Tribunal-cum-Chief Judge, City Civil Court, Hyderabad (for short, the Tribunal), whereby the Tribunal awarded compensation of Rs.2,50,000/- on account of the death of the deceased.

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 12.11.1997 at about 1730 hours, while the deceased, pillion rider, along with one Dasharat, who was driving the scooter, was proceeding on a scooter bearing No.AP 28A 7947 from Mirzapur to Vikarabad, Dasharat drove the scooter in a rash and negligent manner with high speed and when they reached near Chenchupalli, lost control over the vehicle, as a result both of them fell down and sustained grievous injuries and the deceased, Raghu, died on the spot. The petitioners, who are legal heirs, are dependent on the income of the deceased. Hence, they filed the aforesaid O.P. claiming compensation of Rs.2,50,000/- against respondents.

4. Respondent No.1 filed his counter denying the averments made in the claim petition. He denied that he drove the scooter in a rash and negligent manner; the vehicle was insured with respondent No.2 and that the policy was in force as on the date of the accident. He also contended that the amount claimed is excessive and prayed to dismiss the claim petition.

5. The Tribunal, after considering the oral and documentary evidence on record, came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the scooter and considering the loss of life of the deceased, awarded a total compensation of Rs.2,50,000/-, as claimed by the petitioners, with interest @ 9% per annum.

6. Heard.

7. Admittedly, the petitioners claimed compensation of Rs.2,50,000/- for the death of the deceased and the same amount has been awarded by the Tribunal. Hence, there is no dispute with regard to awarding compensation. Therefore, there is no cause of action for preferring this appeal. However, in the grounds of appeal, learned counsel for the petitioners pleaded that the Tribunal ought to have awarded interest at 24% per annum instead of 9% on the awarded amount. This Court feels that there are no reasonable grounds to enhance the interest part and the interest awarded by the Tribunal at 9% per annum is just and reasonable.

8. In the result, the appeal is dismissed confirming the awarded dated 09.04.2001 passed in O.P.No.1736 of 1997 by the Motor Accidents Claims Tribunal-cum-Chief Judge, City Civil Court, Hyderabad. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this appeal shall stand dismissed.

T. AMARNATH GOUD, J

Date:24.06.2019

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