

HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.610 of 2019

JUDGMENT:

This appeal is filed by the appellant-insurer aggrieved by the Order and Decree dated 14-06-2005 passed in O.P.No.686 of 2002 by the M.A.C.T.-cum- District Judge, Karimnagar (for short, the Tribunal).

2. Brief facts of the case are that the claimants, who are legal heirs of the deceased-Piska Kanakaiah, filed the claim petition claiming compensation of Rs.5.00 lakhs for the death of the deceased in the accident occurred on 19-03-2002 due to the rash and negligent driving of the driver of the tractor-trailer when he is proceeding on his cycle at Sadashivapally..

3. In the claim petition, the appellant-insurer filed its counter denying the averments of the claim petition and contended that the amount claimed is excessive and 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 on the part of the driver of the crime vehicle and accordingly, granted an amount of Rs.4,05,000/- under various heads, payable by the respondent Nos.1 to 3 jointly and severally, with interest at 9% per annum through out.

5. Aggrieved by the same, the appellant/insurer filed the present appeal.

6. Heard Sri Kota Subba Rao, learned Standing Counsel for the appellant and Sri Harshavardhan Abburi, learned counsel for the claimants.

7. On perusal of the impugned order passed by the Tribunal, it is clear that the Tribunal after appreciating the oral and documentary evidence came to the conclusion and rightly fastened the liability against respondent Nos.1 to 3 and accordingly granted compensation. I find no illegality or irregularity in the order passed by the Tribunal and therefore the order does not warrant any interference by this Court in respect of the award passed by the Tribunal. However, insofar as interest is concerned, this Court feels awarding 9% interest is excessive and accordingly, the same is reduced to 7.5%.

8. Further, it is represented by the learned counsel for the claimants that during pendency of the appeal i.e. on 21-10-2019, claimant No.3-3rd respondent herein viz., Piska Shekhar died and he also filed a Death Certificate dt.30-10-2009 issued by the Gram Panchayat, Manakondur, Karimnagar District, to that effect. Hence, the Tribunal is directed to disburse the compensation fell to the share of Piska Shekhar amongst other claimants.

9. With the above modification, the appeal is partly allowed. No costs.

10. Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE T.AMARNATH GOUD

Date: 18.12.2019
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