

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 4975 OF 2008

JUDGMENT:

This appeal is directed by the insurance company against the order and decree dated 03.04.2006 passed in O.P.No.3 of 2005 by the Motor Accidents Claims Tribunal-cum-Principal District Judge, Medak at Sangareddy (for short 'the Tribunal) awarding compensation of Rs.6,66,000, on account of motor vehicle accident that occurred on 02.11.2004 at about 12 noon, while the deceased Koilakondla Vijay Kumar was riding the TVS moped, when he reached near Yellamma Temple on Nanded Road in Shankarampet R Village, lorry bearing HR 38F 7765 driven by its driver in a rash and negligent manner, dashed the deceased, for which the deceased sustained multiple injuries on vital parts of his body and he was admitted in Remedy Hospital, Balanagar and while undergoing treatment, he succumbed to injuries on 03.11.2004 and that the TVS moped was completely damaged, as against the claim of Rs.15,00,000/-.

2. Before the tribunal, in order to prove the case of the claimants, PWs.1 to 4 were examined and marked Exs.A1 to A.19. Ex.B.1-policy was marked on behalf of respondents. No oral evidence was adduced on behalf of the respondents.

3. Learned standing counsel for the insurance company contended that the compensation granted by the tribunal is excessive and exorbitant and that the tribunal erred in taking the income of the deceased as guess work instead of basing any substantial evidence and that the tribunal erred in holding that the accident occurred due to rash and negligent driving of the offending lorry and hence, prayed to allow the appeal.

4. Learned counsel for the claimant contended that the order passed by the tribunal is well considered and needs no interference of this Court.

5. The claimants 1 to 7 are dependents of the deceased. The deceased was 42 years and earning Rs.15,000/- per month by working partner in M/s K.Yadagiri and Company and in M/s Shiva Datha Modern Rice Mill at Shivvaipally Village and that having transport vehicle jeep bearing No. AHA 1245 and also doing agriculture. On the strength of proof of income i.e. Ex.A.7 to A.18, the tribunal after considering all aspects and applying relevant multiplier under law awarded compensation. Therefore, the order passed by the tribunal is well considered and needs no interference of this Court, which is just and proper. All the claimants are majors and accordingly, they are entitled to withdraw their proportionate share as decided by the tribunal. The

insurance company is directed to deposit the compensation amount within four weeks from the date of this judgment.

6. In view of the above, the appeal is dismissed confirming the order and decree dated 03.04.2006 passed in O.P.No.3 of 2005 by the Motor Accidents Claims Tribunal-cum-Principal District Judge, Medak at Sangareddy. There shall be no order as to costs.

Miscellaneous petitions if any, shall stand closed.

Date: 06-11-2019
kvrn

T.AMARNATH GOUD,J

