

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.NO.3421 OF 2005

JUDGMENT:

This appeal is preferred by the Insurance Company against the judgment, dated 06.04.2005 in O.P.No.1402 of 2001 passed by the Chairman, III Motor Accident Claims Tribunal, Warangal (for brevity 'the Tribunal') in awarding compensation of Rs.5,20,000/- for the injuries received by the claimant in a road accident that took place on 23.08.2000 by an auto bearing No. AIH 723.

2. The point which fell for consideration before the Tribunal and the same was answered is with regard to delay in lodging the complaint before the police regarding the accident, which was made after one year and one month and the second issue is with regard to implicating the insured vehicle for the purpose of claiming insurance. Both were considered by the Tribunal and again in this appeal, both came for consideration before this Court.

3. The learned standing counsel for the appellant-Insurance Company contended that the Tribunal erred in giving finding in favour of the claimant regarding the accident and involvement of the vehicle. Admittedly, as seen from the record, the driver of the vehicle has surrendered before the Police Station and confessed about the accident and steps available under law were initiated against the accused (driver) by the police. It is well settled principle of law that in a motor vehicle accident, the delay need not be looked into in a serious manner and a lenient view has to be taken because priority has to be given for not for filing the complaint, but the claimant has to first attend the hospital for taking first aid and after recovery, he can approach the

police station for lodging the complaint. In view of the above, there is no infirmity in the order passed by the Tribunal.

4. Insofar as awarding compensation is concerned, the Tribunal applied multiplier '18'. As per Ex.A4-SSC certificate of the claimant, his date of birth is 18.02.1974 and the date of accident is 23.08.2000 and thus, the age of the claimant is 26 years six months and 5 days, but not 22 years as claimed in the claim petition. Therefore, multiplier '17' is made applicable to the claimant but not multiplier '18'. Accordingly, the order passed by the Tribunal is modified reducing the multiplier from '18' to '17'.

5. Accordingly, the appeal is partly allowed to the extent indicated above. No order as to costs. Miscellaneous petitions, if any pending in this appeal shall stand closed.

T.AMARNATH GOUD, J

DATED: 17-09-2019
Hsd