

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.1339 of 2009

JUDGMENT:

This appeal is preferred by the appellant/insurer questioning the order of the Motor Accident Claims Tribunal-cum-II Additional Chief Judge, City Civil Court, Hyderabad (for short, the Tribunal) in O.P.No.1881 of 2004 dated 08-01-2007.

2. Brief facts of the case are that on 24-11-2003, when the deceased-Smt.Pandi Ramulu along with others going on a scooter bearing No.AP 10E 5923 to Alwal from Venkataoper, and when they reached near Venkataoper village outskirts of Alwal road, a jeep bearing No.AP 23A 9956 came in the opposite direction in a rash and negligent manner and dashed against them, due to which, the deceased died on the spot. The claimant who is the husband of the deceased filed a claim petition claiming compensation of Rs.2.00 lakhs.

3. In the claim petition, the appellant-insurer filed a counter denying the allegations and contended that the amount claimed by the claimant is highly excessive and that it is not liable to pay any compensation and therefore prayed to dismiss the claim petition.

4. After considering the oral and documentary evidence on record, the Tribunal held that the accident occurred due to the rash and negligent manner of the driver of the crime vehicle. The Tribunal granted compensation of Rs.1,22,000/- i.e. Rs.1,20,000/- towards loss of income and also Rs.2,000/- towards funeral expenses, which in my considered view, is

just and proper and need not be interfered with by this Court as the Tribunal while granting compensation, rightly assessed the income of the deceased as Rs.3,000/- per month and after deducting 1/3rd deduction towards personal expenses granted compensation for the loss of income. However, the Tribunal applied wrong multiplier in granting compensation but this Court is not inclined to go into the merits of the case in benefiting the claimant since the appeal is filed by the insurance company and the claimant has not filed any appeal before this Court for enhancement of compensation.

5. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed.

6. Miscellaneous petitions pending, if any, shall stand dismissed.
No order as to costs.

Date: 06-08-2019
kvr

T.AMARNATH GOUD, J

