

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.267 OF 2011

JUDGMENT:

This appeal is preferred by the appellant/2nd respondent/insurance company questioning the order of the Chairman, Motor Vehicle Accidents Claims Tribunal-cum-V Additional District Judge, at Karimnagar (for short, the Tribunal) in O.P.No.685 of 2005 dated 14.09.2007.

2. For the sake of convenience, the parties are hereinafter referred to as they were arrayed before the Tribunal in the original petition.

3. The brief facts of the case are that the deceased-Shrimanthula Shankaraiah was aged about 52 years and working as Grameena Daak Sevak Stamp Vendor at Jaimmikunta Post Office and was getting Rs.2,500/- per month and earning Rs.3,000/- as a blacksmith, altogether Rs.5,500/- per month. The petitioner is the wife of the deceased and she is the sole legal heir. On 03.03.2005, her husband boarded the auto and the auto was driven rashly and negligently and the auto turned turtle. As a result, her husband died while being taken to MGM Hospital, Warangal. Hence, the petitioner filed the claim petition claiming compensation of Rs.4,00,000/-, payable by both the respondents, being the driver-cum-owner and insurer of the offending auto.

4. In the claim petition, the 1st respondent remained *ex parte*. The 2nd respondent filed counter denying the allegations and contended that the amount claimed by the claimants is highly excessive and that it is not liable to pay any compensation and therefore prayed to dismiss the claim petition.

5. After considering the oral evidence of P.Ws.1 to 3 & R.Ws.1 to 3 and documentary evidence of Exs.A-1 to A-8 & Exs.B-1 to B-5, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the offending auto by the 1st respondent and awarded total compensation of Rs.2,44,600/- with interest @ 7.5% per annum from the date of filing till the date of realization, i.e., Rs.2,37,600/- towards loss of contribution, Rs.5,000/- towards loss of consortium and Rs.2,000/- towards funeral expenses. Aggrieved by the said order, the appellant/2nd respondent/insurance company filed the present appeal.

6. Heard both sides. Perused the material record.

7. A perusal of the order reveals that the Tribunal passed a well considered order by taking into consideration all the aspects and as against the claim of Rs.4,00,000/-, the Tribunal awarded an amount of Rs.2,44,600/- with interest @ 7.5% per annum from the date of petition till the date of realization. Hence, this Court finds that the compensation

awarded by the Tribunal is just and reasonable. Therefore, I see no reason to interfere with the order of the Tribunal and the appeal is liable to be dismissed.

8. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed confirming the award and decree passed by the Tribunal in all respects, including the rate of interest. No order as to costs.

Miscellaneous petitions pending, if any, shall stand dismissed.

T.AMARNATH GOUD, J

Date: 19th December, 2019

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