

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

C.M.A.No.3152 OF 2004

JUDGMENT:

This appeal is preferred by the appellants/respondents 3 & 4/insurance company questioning the order of the III Motor Accidents Claims Tribunal, Warangal (for short, the Tribunal) in O.P.No.756 of 2001 dated 26.08.2003.

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 on 16.02.2001 at about 11.45 p.m., near Idgah cross road on the main road from Hanamkonda to Karimnagar when the deceased-Kakkerla Ravinder and other passengers were travelling in an auto rickshaw bearing No.AP 36U 6721 from Bheemaram side to Hanamkonda, a lorry bearing No.AP 9U 3666 came from opposite direction in a wrong side in a rash and negligent manner and dashed against the said auto rickshaw, as a result, he received serious injuries and succumbed to injuries. The deceased was aged about 30 years at the time of the accident and worked as Supervisor and earned an income of Rs.4,000/- per month. He died leaving behind him the petitioner and respondents 5 & 6 as his legal representatives and dependents. Hence, the petitioner filed the claim petition claiming compensation of Rs.6,00,000/-.

4. In the claim petition, respondents 3 & 4 contested the claim petition by denying the allegations and contended that the amount

claimed by the claimant is highly excessive and that they are 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 and R.W.1 and the documentary evidence of Exs.A-1 to A-9 and Ex.B-1, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the crime lorry and awarded total compensation of Rs.5,80,000/-, with interest @ 9% per annum from the date of petition till the date of realization, i.e., Rs.5,44,000/- towards loss of dependency, Rs.1,000/- towards transportation, Rs.5,000/- towards funeral expenses, Rs.15,000/- towards loss of consortium and Rs.15,000/- towards loss of estate, payable by respondents 3 & 4. Aggrieved by the said order, the appellants/respondents 3 & 4/insurance company filed the present appeal.

6. Heard.

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.6,00,000/-, the Tribunal awarded an amount of Rs.5,80,000/- with interest @ 9% per annum from the date of petition till the date of realization. The Tribunal has well considered the expenses towards loss of dependency, transportation, funeral expenses, loss of consortium and loss of estate and accordingly awarded the said amount. Therefore, I see

no reason to interfere with the order of the Tribunal and the appeal is liable to be dismissed.

8. Accordingly, the Civil Miscellaneous Appeal is dismissed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand dismissed.

T.AMARNATH GOUD, J

Date: 31st October, 2019

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