

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. NO.1883 OF 2010

JUDGMENT:

This appeal is preferred by the appellant/Insurance Company questioning the Order of the Motor Accidents Claims Tribunal (I Additional District Judge), at Khammam (for short, the Tribunal) in M.V.O.P.No.876 of 2008, dated 24.08.2010.

2. The brief facts of the case are that respondent No.1 is the wife and respondent No.2 is the mother of the deceased, Kadiyala Venkata Chalam. On 08.05.2007, while the deceased was returning to his house after attending a cultural programme at Kalabharathi Auditorium, Sathupalli, at about 10.00 pm., a tipper bearing No.AP20W 7282 came in a rash and negligent manner and dashed the deceased from back side, as a result of which, the deceased fell down on the road and died on the spot. Respondent Nos.1 and 2 herein filed the aforesaid MVOP against the driver, owner and insurer of the tipper, respondent Nos.3, 4 and the appellant herein respectively, claiming compensation of Rs.3,00,000/- for the death of the deceased.

3. Before the Tribunal, driver and owner of the tipper, remained *ex parte*. The appellant-Insurance Company filed a 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 prayed to dismiss the claim petition.

4. After considering the oral and documentary evidence on record, the Tribunal came to the conclusion that the accident

occurred due to the rash and negligent driving of the driver of the tipper and awarded compensation of Rs.3,00,000/- with interest @ 7.5% per annum. Aggrieved by the said order, the appellant/Insurance Company filed the present appeal.

5. Heard.

6. Before the Tribunal, R.W.1-Administrative Officer of Insurance Company, in his evidence stated that their investigation revealed that the deceased was having household ration card, in which, income of the deceased is Rs.9,000/- per month. Relying on the said evidence, the Tribunal considered the income of the deceased at Rs.9,000/- and granted the compensation amount, as claimed by the claimants. Though the Tribunal has not considered the other benefits, which the claimants are entitled, since this an appeal filed by the insurance company, this Court is not inclined to go into the same. Therefore, no interference is required in the Order passed by the Tribunal. Consequently, the appeal is liable to be dismissed.

7. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed. Miscellaneous petitions pending, if any, shall stand dismissed. No order as to costs.

T.AMARNATH GOUD, J

Date: 31-07-2019
TJMR