

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.969 OF 2015

JUDGMENT:

This appeal is filed by the appellants-claimants aggrieved by the order and decree dated 14-12-2012 passed in M.V.O.P.No.1009 of 2010 by the Chairman, Motor Vehicle Accidents Claims Tribunal-cum-District Judge, Khammam (for short, the Tribunal).

2. The brief facts of the case are that on 21-9-2010 at about 6.30 hours, while the deceased Chennuru @ Chennuri Veerasha Lingam @ Veeresham was returning home and when he reached at Ashok Nagar area, the driver of Tata Magic bearing No.AP20TV 0627, drove in a rash and negligent manner with high speed and dashed against the deceased, as a result of which, he fell down and received severe injuries and died while undergoing treatment. The claimants filed the above O.P., claiming compensation of Rs.3,00,000/- for the death of the deceased.

3. The respondents filed their separate counters denying the allegations made in the claim petition *inter alia* contending that the amount of compensation claimed by the claimants is excessive, exorbitant, imaginary and out of proportion and sought to dismiss the petition.

4. During the course of trial, the claimants examined P.W.1 and got marked Exs.A1 to A5. On behalf of the respondents, no oral evidence was adduced, but Ex.B1 copy of insurance policy was marked.

5. After considering the material on record and the evidence adduced by the claimants, the Tribunal allowed the O.P. in part

and awarded an amount of Rs.2,00,000/- with interest at 7.5% p.a. from the date of petition till the date of realization payable by the respondents 2 and 3 jointly and severally. Being aggrieved by the quantum of compensation awarded by the Tribunal, the claimants preferred the present appeal.

6. Heard Smt.B.Madhavi, learned counsel appearing on behalf of Sri V.Brahmaiah Chowdary, learned counsel for the appellants and the learned counsel appearing for the respondents.

7. A perusal of the order reveals that the Tribunal has passed a well considered order awarding compensation of Rs.2,00,000/- as against the claim of Rs.3,00,000/- and therefore, the said order needs no interference by this Court. However, in the light of the judgment of the Apex Court in **National Insurance Co. Ltd. Vs. Pranay Sethi¹**, the first appellant is entitled to Rs.70,000/- under other conventional heads, since the deceased died married and thus a sum of Rs.70,000/- is awarded under the above head. Except the above modification, the award passed by the Tribunal remains unchanged.

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

T.AMARNATH GOUD, J

Date: 25-01-2019.
Shr

¹ 2017(6) ALD 170 (SC)