

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.NO.3462 OF 2005

JUDGMENT:

This appeal is preferred by the Insurance Company aggrieved by the judgment, dated 07.05.2003 in O.P.No.433 of 1997 passed by the Chairman, Motor Accident Claims Tribunal-cum-District Judge, Nizamabad (for brevity 'the Tribunal').

2. The brief facts of the case are that on 26.06.1997, the deceased-Syed Khasim, husband of the 1st petitioner and father of petitioners 2 to 4 was standing on the road near Veterinary Hospital, Nirmal, an auto bearing No. AP 1/T 5061 driven by its driver in a rash and negligent manner at high speed came and dashed against the deceased, as a result of which, the deceased fell down and the front wheel of the auto ran over the deceased. Due to the said accident, deceased received crush injuries and multiple fractures. Thereafter, he was taken to the Government hospital, Nirmal, where he died on the same day at 12.45 P.M. Hence, the petitioners, who are wife and children of the deceased filed the claim petition claiming compensation of Rs.2,50,000/-

3. To substantiate the claim, on behalf of the petitioners/claimants, P.Ws.1 and 2 were examined and Exs.A1 to A3 were marked. On behalf of the respondent/Insurance Company, no evidence was adduced, but only Exs.B1 and B2 were marked.

4. The Tribunal on consideration of entire oral and documentary evidence available on record, awarded compensation of Rs.2,50,000/- with costs and interest at 9% p.a. from the date of petition till the date of realization.

Out of compensation of Rs.2,50,000/-, the 1st petitioner is entitled to Rs.1,00,000/- and the petitioners 2 to 4 are entitled to Rs.50,000/- each. Challenging the same, this appeal is preferred by the Insurance Company.

5. As seen from the record, it is clear that the Tribunal had taken notional income of the deceased at Rs.100/- per day as the deceased was vegetable and fruit vendor and aged 55 years on the date of accident and applied multiplier 11. The Tribunal after considering the evidence and decisions of the apex Court as well as this Court, passed well reasoned order granting compensation as referred above. The said order, in the opinion of this Court, needs no interference. Hence, the appeal is liable to be dismissed.

6. Accordingly, the appeal is dismissed. No order as to costs. Miscellaneous petitions, if any pending in this appeal shall stand closed.

T.AMARNATH GOUD, J

DATED: 17-09-2019

Hsd