

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.3289 OF 2005

JUDGMENT:

This appeal is preferred by the appellant/3rd respondent/insurance company questioning the order of the III Motor Accidents Claims Tribunal, Warangal (for short, the Tribunal) in M.V.O.P.No.584 of 2001 dated 26.07.2004.

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 Edga cross road, Hanamkonda, Warangal, when the deceased-Pappu Srinivas along with another was travelling in an auto bearing No.AP 36U 6721 from Hanamkonda petrol pump to Chinthagattu, one lorry bearing No.AP 9U 3666, being driven by the 1st respondent in a rash and negligent manner with high speed came in opposite direction and dashed to the said auto, as a result, he received serious injuries and succumbed to injuries on 17.02.2001. The deceased was aged about 20 years and had worked as labour incline and earned an income of Rs.3,000/- per month. He died leaving behind him the petitioners as his legal representatives and dependents. Hence, the petitioners 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 claimants 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 & 2 and the documentary evidence of Exs.A-1 to A-9, 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.3,97,000/-, with interest @ 9% per annum from the date of petition till the date of realization, i.e., Rs.3,72,000/- towards loss of dependency, Rs.5,000/- towards funeral expenses and Rs.20,000/- towards mental shock and agony and loss of love and affection @ Rs.5,000/- each to petitioners 1 to 4, payable by respondents 3 & 4. Aggrieved by the said order, the appellant/3rd respondent/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.5,00,000/-, the Tribunal awarded an amount of Rs.3,97,000/- 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, funeral expenses and Rs.5,000/- each to petitioners 1 to 4 towards mental shock and agony and loss of love and affection 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 Motor Accident 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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