

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.2530 OF 2013

JUDGMENT:

This appeal is preferred by the appellants/respondents 2 & 3/insurance company questioning the order of the Chairman, Motor Accidents Claims Tribunal-cum-IV Additional District Judge (FTC), Warangal (for short, the Tribunal) in M.V.O.P.No.112 of 2011 dated 29.10.2012.

2. For the sake of convenience, the parties are hereinafter referred to as they were arrayed in the O.P. before the Tribunal.

3. The brief facts of the case are that the petitioner's mother-Komure Nagalaxmi met with an accident on 04.05.2015 at about 6.10 a.m. while traveling in a TATA SUMO vehicle when a lorry bearing No.AP 16T 6075 gave dash to that TATA SUMO vehicle near Soan Forest Check Post of Adilabad District and in that accident, not only his mother, but also his other family members and others had instant deaths. On the date of her death, his mother was aged about 48 years and due to her untimely and unfortunate death, the petitioner lost love and affection and also he was put into lot of mental shock and agony. Hence, the petitioner/claimant filed the present claim petition claiming a compensation of Rs.5,00,000/-.

4. In the claim petition, respondents 1 & 2 remained *ex parte*. The 3rd respondent filed a counter denying the allegations and contended that the amount claimed by the claimant is highly excessive and that it is not liable to pay any compensation and therefore prayed to dismiss the claim petition.

5. 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 offending lorry and awarded total compensation of Rs.3,22,000/- with interest @ 7.5% per annum i.e., Rs.3,12,000/- towards loss of income, Rs.5,000/- towards loss of estate and Rs.5,000/- towards funeral expenses. Aggrieved by the said order, the appellants/respondents 2 & 3/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.3,22,000/- with interest @ 7.5% per annum. 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, confirming the award and decree passed by the Tribunal in all respects, including the rate of interest. No order as to costs.

Miscellaneous petitions pending, if any, shall stand dismissed.

T.AMARNATH GOUD, J

Date: 26th August, 2019

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