

THE HON'BLE SMT. JUSTICE M.G.PRIYADARSINI

M.A.C.M.A. No. 1085 of 2015

JUDGMENT:

This appeal is filed by the Insurance Company aggrieved of the order and decree dated 13.04.2015 in M.V.O.P.No.1238 of 2009 on the file of Motor Accident Claims Tribunal-cum-XVII Additional Chief Judge cum III Addl. Metropolitan Sessions Judge, Hyderabad.

2. The claimants, respondent Nos. 1 to 4 herein, filed the claim petition claiming compensation of Rs.15,21,000/- for the death of K.Prabhakar (hereinafter referred to as 'the deceased') in the motor accident that occurred on 7.5.2009. According to the claimants, on 7.5.2009 when the deceased along with his friend after attending the marriage at Maheshwaram were returning on motorcycle and when they reached Bharath petrol Bunk, Shadnagar, their motorcycle dashed the stationed lorry bearing No. AP.28.T.2369 which was parked on the road without taking precautions and parking lights on. As a result the deceased fell down and died on the spot and the pillion rider received grievous injuries.

3. The Tribunal, on examining the oral evidence of PWs.1 to 3 and RW-1 and documentary evidence under Exs.A-1 to A-9 and B-1, partly allowed the O.P., awarding a total compensation of Rs.9,27,500/- along with proportionate costs and interest @ 7.5% per annum from the date of petition till the date of realization, to be deposited within 30 days from the date of said order. Aggrieved thereby, the appellant-Insurance Company has filed this appeal.

4. Heard both sides and perused the record.

5. The learned Standing Counsel for the appellant-Insurance Company contended that the decree of the Tribunal is contrary to law, weight of evidence and probabilities of the case; that the Tribunal has erred in fastening the liability on the appellant-Insurance Company and that the amount awarded is exorbitant. Accordingly, prayed for setting aside the impugned order in the O.P.

6. On the other hand, learned counsel appearing for respondent Nos. 1 to 4-claimants, contended that the compensation awarded by the learned Tribunal is just and reasonable and needs no interference by this Court.

7. A perusal of the material on record discloses that, the trial Court after considering all the aspects had rightly come to the conclusion that the accident occurred due to negligent parking of the lorry by its driver. Hence interference is not necessary.

8. With regard to the compensation is concerned, the trial Court by considering the profession of the deceased as a Carpenter, rightly taken the income of the deceased at Rs.6,000/- per month, deducted 1/4th towards his personal expenses and awarded an amount of Rs.9,27,500/- under various heads. Thus, I am of the considered view that there are no valid grounds to interfere with the cogent findings of the Tribunal. I do not find any illegality or infirmity in the impugned order and decree, warranting interference by this Court.

9. The M.A.C.M.A. fails and the same is accordingly dismissed.
No order as to costs.

Miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.G.PRIYADARSINI

25.08.2022

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