

HONOURABLE SMT. JUSTICE V. SUJATHA

M.A.C.M.A.No.133 of 2015

JUDGMENT:

The appellant-insurance company filed this appeal aggrieved by the order and decree dated 22.05.2014 passed in O.P.No.610 of 2012 by the Motor Accident Claims Tribunal-cum-District Judge (Fast Track Court, Ananthapur, granting compensation of Rs.16,97, /- with interest at 6% p.a. as against the claim of 24,00,000/- for the death of one Padma Venkata Rama Krishna Rao, in an accident occurred on 25.02.2012 at about 11.40 P.M.

2. The claimants, who are respondents 1 to 5 herein, filed the O.P. under Section 140 (A) and 166 of the Motor Vehicles Act, claiming compensation of Rs.24,00,000/- against the appellant-insurance company and the 6th respondent herein. On 25.02.2012 at about 11.45P.M., while P. Venkata Ramakrishna Rao, (hereinafter referred as “deceased”) along with his friends, was going in Skoda car bearing No.AP-25-AE-199 from Ananthapuramu to Mudigubba, the driver of Jai Bharath Travels bus drove in a rash and negligent manner with high speed and dashed against the Skoda car, as result of which, the deceased sustained grievous injuries and died on the spot. A case in Crime No.19 of 2012 was registered for the offence punishable under Section 304A IPC. The claimants, who are wife, children and parents of the

deceased, and dependents of the deceased Ramakrishna Rao, filed the O.P. claiming compensation against the owner of the crime vehicle bearing No.AP-03-TA-3444 and the owner of the bus.

3. While the 1st respondent-owner of the bus remained *ex parte*, the 2nd respondent-insurance company filed counter, denying the manner of accident, age, income, occupation and death of the deceased. The 2nd respondent also denied the valid driving licence of the driver of the car, valid permit and fitness certificate.

4. Basing on the above pleadings, the following issues are framed for its consideration:

- 1) *Whether the accident occurred on 25.02.2012 at about 11.40P.M., near Mangalolla Colony, NH-205 road, Mudigubba, due to rash and negligent driving of the driver of Jai Bharath Travels bus bearing No.AP-03-TA-3444 and lost control over the same and caused death of the deceased?*
- 2) *Whether the petitioner is entitled to compensation? If so, to what amount and against which respondents?*
- 3) *To what relief?*

5. During the course of trial, on behalf of the claimants, PWs.1 to 3 were examined and Exs.A.1 to A.8 were marked. On behalf of the 2nd respondent, RW.1 was examined and Exs.B.1 to B.3 were marked.

6. The Tribunal, based on the oral evidence coupled with documentary evidence, came to a conclusion that the deceased was earning Rs.10,000/- per month and awarded an amount of Rs. 16,80,000/- towards pecuniary loss and Rs.8,000/-, Rs.7,000/- and Rs.2,500/- towards loss of estate, loss of consortium and funeral expenses. In total, the Tribunal awarded an amount of Rs.16,97,500/- towards compensation with interest at 6% p.a. from the date of petition till realisation. Challenging the same, the present appeal is filed.

7. Heard Smt. Manamma Medida, learned counsel for the appellants and Sri K. Narsi Reddy, learned counsel for the respondents 1 to 5.

8. When the matter taken up for hearing, learned counsel for the parties represented that earlier, this court disposed of MACMA.No.270 of 2015 and 273 of 2015 arising out of same accident, vide orders dated 17.06.2022 and since the subject matter of the present appeal is also similar to that of those appeal, the present appeal has also to be disposed of in the similar lines.

9. Considering the submissions of the learned counsel and following judgments in MACMA.No.270 of 2015 and 273 of 2015 and for the reasons alike, this appeal stands dismissed. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any,
pending shall stand closed.

V. SUJATHA, J

Date: 30.06.2022

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