

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

MACMA.No.2043 of 2009

JUDGMENT:

Aggrieved by the order and decree, dated 17.07.2008, in O.P.No.615 of 2005 passed by the Chairman, Motor Accidents Claims Tribunal-cum-District Judge, Mahabubnagar (for short 'the Tribunal'), whereby and whereunder, the Tribunal has granted an amount of Rs.2,33,000/- as compensation, respondent No.2 – New India Assurance Company Limited preferred the present appeal mainly questioning the granting of an amount of Rs.60,000/- towards general damages on the ground that it was on higher side and without any basis.

2. The appellant herein is respondent No.2, respondent Nos.1 to 7 herein are the petitioners and respondent No.8 herein is respondent No.1, respectively, in the original petition.

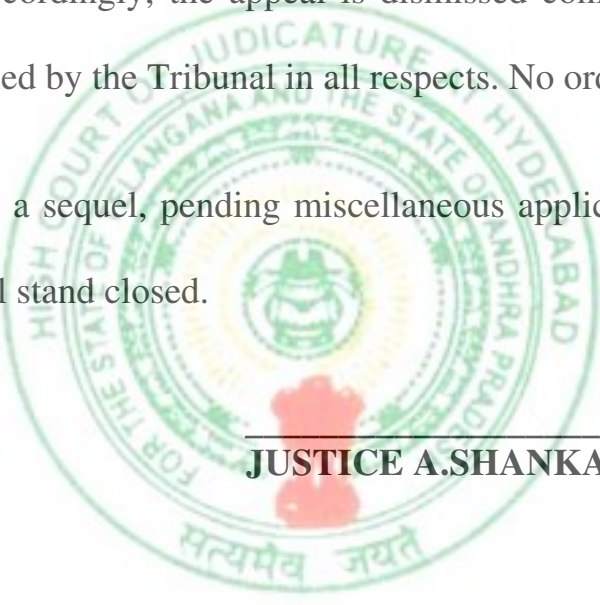
3. Heard Sri B.Devanand, learned Standing counsel for the appellant – Insurance Company. No representation for respondent Nos.2 to 7, the petitioners in the aforementioned O.P. Though, service was completed on respondent No.8, none appears for him.

4. A perusal of the statement containing the particulars of the medical bills filed on behalf of the petitioners before the Tribunal would clearly show that from the total amount of Rs.2,19,602.50 ps incurred towards medicines by the petitioners, the advance amount of

Rs.1,04,000/- paid on different occasions was deducted and the balance is shown as Rs.1,15,602.50 ps. That itself shows the bona fides of the petitioners in claiming the bill amounts. Further, the Tribunal has assigned the reasons in awarding Rs.60,000/- towards general damages, having appreciated the evidence on record on proper lines. Therefore, the said amount awarded by the Tribunal towards general damages cannot be construed as excessive and arbitrary and there is absolutely no merit in the instant appeal.

5. Accordingly, the appeal is dismissed confirming the order and decree passed by the Tribunal in all respects. No order as to costs.

6. As a sequel, pending miscellaneous applications, if any, in this appeal shall stand closed.



JUSTICE A.SHANKAR NARAYANA

02.09.2016

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