

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

M.A.C.M.A.No.736 of 2010

JUDGMENT:

The respondent owner and driver of the tractor and trailer bearing Nos.ADW-5787 and 5877 impugning the award of the Tribunal dated 13.04.2007 in O.P.No.398 of 2003 maintained by wife and minor daughter since declared as major as per the application in MACMAMP.No.1111 of 2011 is allowed, under Section 166 of Motor Vehicles Act for a compensation of Rs.1,00,000/- for death of deceased Satyanarayana, on 28.01.2003 while the deceased was proceeding on Jangareddigudem road by walk and from the rash and negligent driving of the 2nd respondent-driver of the vehicle of the 1st respondent proceeding from behind, dashed the deceased as a result within no time died so declared when shifted to hospital and from the contest by the respondents saying the tractor and trailer did not touch the deceased, he fell down and he sustained injuries and he succumbed for no fault of tractor and trailer and Tribunal having held from the evidence of eye witness coupled with Exs.A1 and A3 i.e., FIR and PM report clearly establish the rash and negligent driving of the driver of the tractor and trailer and entitled to compensation as prayed for of Rs.1,00,000/-, since impugned in the appeal.

Heard both sides and perused the material on record.

There are no tenable contentions in the grounds of appeal from the hearing of both sides to interfere, but for no cross objections to enhance the compensation.

Accordingly and in the result, the appeal is dismissed.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 05.01.2017
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