

HON' BLE SRI JUSTICE T. AMARNATH GOUD

M.A.C.M.A. No. 205 of 2015

JUDGMENT:-

This appeal is preferred by the appellant - Insurance Company questioning the order of the Additional Chairman Accidents Claims Tribunal-cum-XX Additional Chief Judge, City Civil Courts, Secunderabad (for short, the Tribunal) in O.P.No.499 of 2012 dated 20.11.2014.

2. The brief facts of the case are that on 22.05.2012, at about 15:45 hours, one T.Venkatesh (hereinafter referred to as "the deceased") was proceeding on his motorcycle bearing No. AP09 BE 2844 and when reached near Club, Willington X Road, Karkhana Main Road, Secunderabad, one Van bearing No. AP28 TB 2953 came with high speed in a rash and negligent manner and dashed the motorcycle from wrong side, due to which, the deceased fell down and sustained serious injuries and he was shifted to Yashoda Hospital, Secunderabad, where the doctors declared that he was brought dead. Prior to the accident, the deceased was hale and healthy, aged about 38 years and having his own pan shop and earning Rs.25,000/- per month. The claimants, who are the wife, son and daughter of the deceased, filed a petition before the Tribunal claiming compensation of Rs.10,00,000/- for the death of the deceased.

3. The first respondent in the claim petition remained *ex parte*. The second respondent filed counter denying the allegations and contended that there is no negligence on the part of the driver of the Van bearing No. AP28 TB 2953 and the negligence is on the part of the deceased. The driver of the crime vehicle was not having valid driving licence, as such, the insurance company is not liable to pay any compensation, and therefore, prayed to dismiss the claim petition.

4. 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 Van and awarded compensation of Rs.7,37,000/- with interest at the rate of 6%per annum. Being aggrieved by the said order, the appellant/insurance company has filed the present appeal.

5. Heard Sri Vladimeer Khatoon, learned counsel for respondent Nos.1 to 3-claimants.

6. Though the learned counsel for the appellant-Insurance Company raised grounds with regard to quantum of compensation and fixing of monthly income of the deceased at higher amount, a perusal of the impugned order reveals that the Tribunal passed a well-considered order by

considering above aspects and hence I see no reason to interfere with the order of the Tribunal and the appeal is liable to be dismissed.

7. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

T.AMARNATH GOUD, J

05.12.2018

bcj

