

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2732 of 2006

JUDGMENT:

This appeal, under Section 173 of the Motor Vehicles Act, 1988 ('the Act', for brevity) is filed by the appellant/United India Insurance Company Limited, aggrieved by the grant of compensation of Rs.2,64,500/- as against a claim of Rs.3,00,000/- to the respondents 1 & 2/claimants, by the Chairman, Motor Accident Claims Tribunal-cum-I Additional District Judge, Guntur ('the Tribunal', for brevity), vide order, dated 08.07.2002, passed in O.P.No.900 of 1998.

2. Heard the learned counsel for the respondents 1 & 2/claimants and perused the record. Despite listing the matter under the caption "For Orders", there is no representation on behalf of appellant-United India Insurance Company. This appeal is of the year 2006. It underwent several adjournments. Hence, this appeal can be disposed of on merits without waiting for the learned Standing Counsel for the appellant-Insurance Company to advance arguments.

3. The learned counsel for the respondents 1 & 2/claimants would contend that the Tribunal had rightly assessed, calculated and granted a compensation of Rs.2,64,500/- to the respondents 1 & 2/claimants, who are the parents of the deceased-Y.Inna Reddy, who succumbed to injuries suffered by him in the motor accident that occurred on 03.08.1992, due the rash and negligent driving of the driver of the lorry bearing registration

No.ATT 8816. The Tribunal was also right in fastening the liability jointly and severally against the appellant-insurance company and the 3rd respondent-owner of the offending lorry. There are no circumstances to interfere with the impugned order and ultimately prayed to dismiss the appeal.

4. In the grounds of appeal, the appellant-insurance company urged that there was no rashness or negligence on the part of the driver of the offending lorry bearing registration No.ATT 8816. Further, there is no nexus between the offending lorry and the accident in question and ultimately prayed to allow the appeal.

5. In view of the above, the only point that arises for determination is whether the points urged by the appellant-insurance company in the grounds of appeal can be sustained.

6. On the basis of the pleadings in the claim petition, the Tribunal settled the following issues for trial.

1. Whether the accident occurred due to rash and negligent driving of the driver of the lorry bearing Regn. No. ATT 8816?
2. Whether the petitioners are entitled to compensation and if so, to what amount and from whom?
3. To what relief?

7. Answering the afore-stated issues, the Tribunal recorded a specific finding that there was rashness and negligence on the part of the driver of the offending lorry bearing registration No.ATT 8816 due to which, the deceased succumbed to the injuries. The Tribunal had discussed the oral and documentary

evidence and decided the issue relating to the rashness and negligence on the part of the driver of the offending lorry in favour of the respondents 1 & 2/claimants. As per the material placed on record, the offending lorry was validly insured with the appellant-insurance company as on the date of accident. There is also no evidence to the effect that the driver of the offending lorry violated the terms and conditions of the insurance policy. Hence, the Tribunal held both the issues in favour of the respondents 1 & 2/claimants. The findings of the Tribunal are based on record. There is justification in awarding compensation of Rs.2,64,500/- in favour of respondents 1 and 2/claimants. There is nothing to take a different view. The points urged by the appellant-insurance company in the grounds of appeal do not merit consideration. The appeal is devoid of merit and is liable to be dismissed.

8. In the result, the appeal is dismissed.

Miscellaneous Petitions pending, if any, shall stand closed.

No order as to costs.

25th June, 2018
Bvv

Dr. SHAMEEM AKTHER, J