

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. NO.322 OF 2014

JUDGMENT:

This appeal is preferred by the appellant/insurance company questioning the award of the Motor Accident Claims Tribunal-cum-District Judge, Chittoor (for short, the Tribunal) in M.V.O.P.No.268 of 2009 dated 14.08.2012.

2. The brief facts of the case are that on 01.01.2006, while the claimant was traveling in an auto bearing No.AP01U 4928 along with his parents on hire and after having Darshan at Venkateswaraswamy Temple at Nendragutta to go to Pakala and when the auto reached near Desiredippalle on Nendragutta-Pakala main road at about 6.00 PM., the driver of the auto drove the same in a rash and negligent manner, at high speed, lost control over the auto and went into left side road margin ditch, due to which, the claimant, who was sitting on the left side of the auto fell down and the left side wheel of the auto ran over his left leg and he sustained grievous injuries. The claimant filed a petition, claiming compensation of Rs.3,00,000/- for the injuries sustained by him.

3. The first respondent in the claim petition remained ex parte. The second respondent filed a written statement, denying the allegations in the claim petition and contended that 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 adduced on both sides, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the

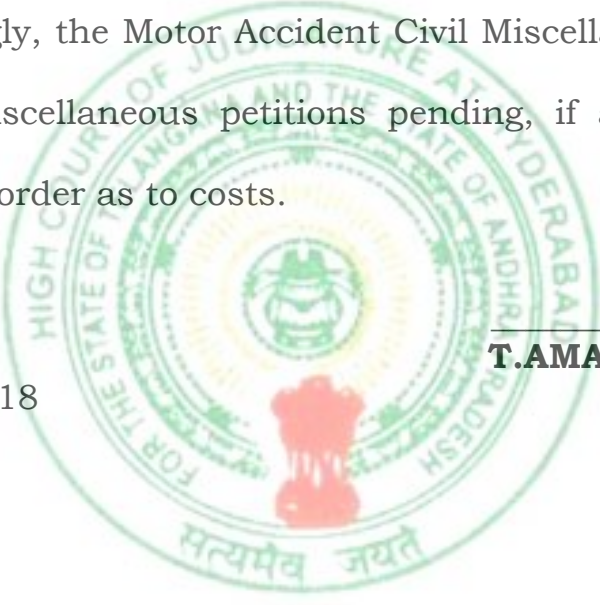
driver of the auto and awarded Rs.1,48,042/-, with interest at the rate of 7.5% per annum. Aggrieved by the said award, the appellant/insurance company filed the present appeal.

5. Heard.

6. A perusal of the order reveals that the Tribunal has passed a well considered order by taking into consideration the oral and documentary evidence adduce on behalf of both the parties. Hence, I see no reason to interfere with the said award and therefore, the appeal is liable to be dismissed.

7. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed. Miscellaneous petitions pending, if any, shall stand dismissed. No order as to costs.

Date: 30-11-2018
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The seal of the High Court of Judicature at Hyderabad, State of Andhra Pradesh, is a circular emblem. It features a central green emblem with a white lotus flower. The text "HIGH COURT OF JUDICATURE AT HYDERABAD" is written in a circle around the central emblem. Below the emblem, the text "FOR THE STATE OF ANDHRA PRADESH" is written. At the bottom, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is inscribed in Devanagari script.

T.AMARNATH GOUD,J