

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. NO.200 OF 2014

JUDGMENT:

This appeal is preferred by the appellant/insurance company questioning the order of the Motor Accident Claims Tribunal-cum-District Judge, Khammam (for short, the Tribunal) in M.V.O.P.No.895 of 2011 dated 08.10.2013.

2. The brief facts of the case are that on 11.08.2011, at about 4.30 PM., Vemula Anjaneyulu (hereinafter referred to as the deceased) and his son were proceeding from Bus Stand Center, Sathupally, to their house by walk and when they reached Auto Stand, the lorry bearing No.AP31X 6277, came behind them in a rash and negligent manner at high speed and dashed the deceased, as a result of which, he died on the spot. The claimant filed a petition, claiming compensation of Rs.2,00,000/- for the death of the deceased.

3. The respondents in the claim petition filed their separate counters denying the allegations and contended that the accident occurred due to the negligence of the deceased and the insurance company is not liable to pay any compensation and therefore prayed to dismiss the claim petition.

4. PWs.1 and 2 have been examined and Exs.A1 to A5 were marked on behalf of the claimant. The respondents have not examined any witness, but marked Ex.B1 insurance policy on their behalf. 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

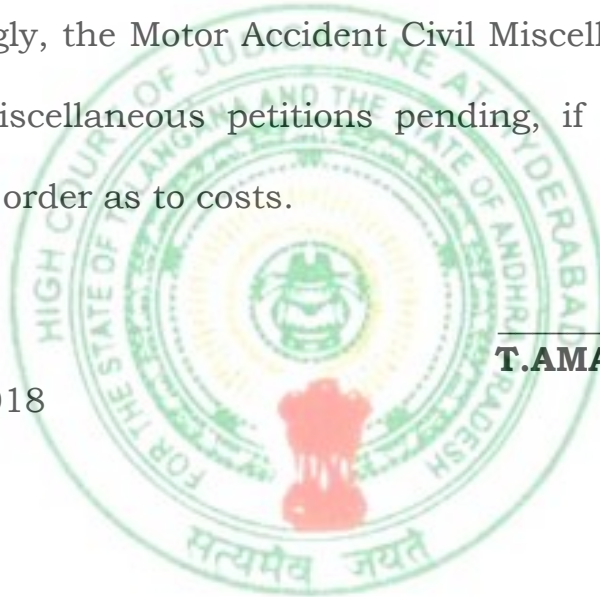
lorry and awarded Rs.1,97,000/-, with interest at the rate of 7.5% per annum. Aggrieved by the said order, the appellant/insurance company filed the present appeal.

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 order 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
Shr



T.AMARNATH GOUD,J