

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. NO.1388 OF 2014

JUDGMENT:

This appeal is preferred by the appellant/insurance company questioning the order of the Motor Accident Claims Tribunal-cum-IV Additional District Judge (FTC), Mahabubnagar (for short, the Tribunal) in O.P.No.225 of 2003 dated 16.04.2008

2. The brief facts of the case are that on 21.12.2002 afternoon at about 3.00 PM., while the claimant along with his brother-in-law were present at Keshavapur bus stage, one Auto bearing No.AP13U 9767 came from Manikonda side in which his sister-in-law was present and while the claimant was talking with her, the driver of the auto all of a suddenly moved the vehicle in a rash and negligent manner, due to which, the claimant fell down and rear tyre of the auto ran over the claimant's left leg and he received multiple injuries and immediately, he was shifted to Government Hospital, Manabubnagar for treatment. He filed a petition, claiming compensation of Rs.1,00,000/- for the injuries sustained by him.

3. The first respondent in the claim petition remained ex parte. The second respondent filed a counter denying the allegations and contended that the insurance company is not liable to pay any compensation and therefore prayed to dismiss the claim petition.

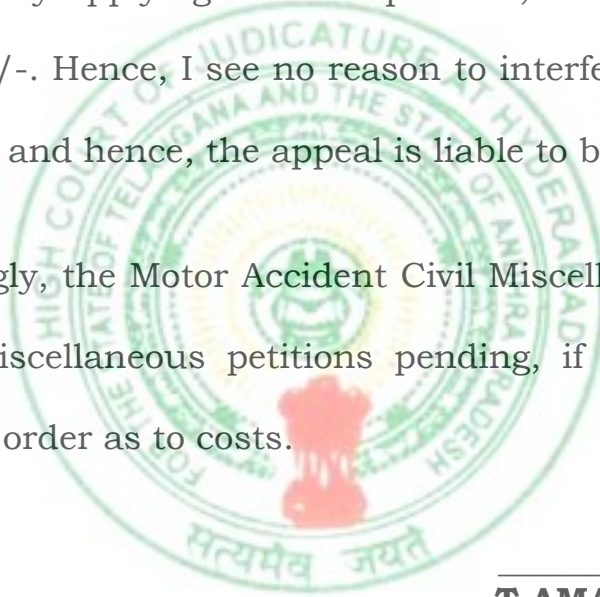
4. After considering the oral and documentary evidence on record, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the auto and awarded Rs.92,200/-, with interest at the rate of 6% per

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 passed a well considered order by taking into consideration the injuries sustained by the claimant and also Ex.A3 wound certificate and Ex.A6 orthopaedic handicapped certificate, which show that the claimant sustained 30% disability due to the injuries caused to his left leg and ankle. The Tribunal has granted Rs.92,200/- under various heads, by applying the multiplier 13, as against the claim of Rs.1,00,000/-. Hence, I see no reason to interfere with the order of the Tribunal and hence, 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.



T.AMARNATH GOUD,J

Date: 28-11-2018
Shr