

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

MACMA.No.3562 OF 2008

JUDGMENT:

This appeal is preferred by the appellant/2nd respondent/National Insurance Company questioning the order dated 12.12.2005 passed in O.P. No.238 of 2002 by the Motor Accidents Claims Tribunal (District Judge) at Nizamabad, (for short, the Tribunal).

2. For the sake of convenience, the parties are hereinafter referred to as they were arrayed before the Tribunal in the original petition.

3. The brief facts of the case are that on 19.01.2002 the deceased Arla Soumya was standing on the side of the road near her house at Bhavanipet village on Kondapur to Lingampet road at about 1:00 pm., one tractor bearing No.AP-25/D-5909 driven by its driver in rash and negligent manner came from Kondapur side and dashed the deceased with the front portion of the tractor, due to which, the deceased fell down and the front wheel of the tractor run over the deceased, due to which, the deceased received head injuries, crush injuries, other multiple fractures and died on the spot.

4. The claim of the petitioners is that at the time of the accident the deceased was 12 years old and was working as labourer and earning Rs.3,000/- per month and was

contributing her earnings to the petitioners. Due to the rash and negligent driving of the tractor, deceased died in the said accident. Hence, they filed the said claim petition against the respondents claiming compensation for an amount of Rs.4,00,000/-.

5. In the claim petition, the 1st respondent remained *ex parte*. The 2nd respondent filed separate counter denying the allegations and contended that the amount claimed by the claimants is highly excessive and that it is not liable to pay any compensation and therefore prayed to dismiss the claim petition.

6. 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 crime vehicle and on the strength of the evidence of P.Ws.1 & 2 and Exs.A-1 to A-6 & Ex.B-1, the Tribunal, taking into consideration the notional income of the deceased, awarded total compensation of Rs.2,25,000/- with interest @ 7.5% per annum, payable by both respondents 1 and 2. Aggrieved by the said order, the appellant/2nd respondent/Insurance Company filed the present appeal.

7. Heard.

8. A perusal of the order reveals that the Tribunal passed a well considered order by taking into consideration all the aspects and as against the claim of Rs.4,00,000/-, the Tribunal awarded an amount of Rs.2,25,000/- with interest @ 7.5% per annum. Hence, this Court finds that the compensation awarded by the Tribunal is just and reasonable. Therefore, I see no reason to interfere with the order of the Tribunal and the appeal is liable to be dismissed.

9. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed confirming the award and decree passed by the Tribunal in all respects, including the rate of interest. There shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

T.AMARNATH GOUD, J

Date: 11.12.2019
LSK