

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.1899 OF 2008

JUDGMENT:

This appeal is preferred by the appellant/2nd respondent/insurance company questioning the order of the Chairman, Motor Accidents Claims Tribunal-cum-I Additional Chief Judge, City Civil Court, Secunderabad (for short, the Tribunal) in M.V.O.P.No.293 of 2004 dated 28.06.2006.

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 31.07.2004 night at about 2.45 a.m. (i.e., in the early morning of 01.08.2004), while the deceased along with his friends was coming to Secunderabad from Hyderabad side on Yamaha motor cycle bearing No.AP 25A 6186 and when they reached Tank Bund road, there were no street lights and it was dark and while they were coming on the left side of the road, a lorry bearing No.AP 29T 1805 which was parked on the road without indicators or blinkers, there is neither parking place nor the lorries are allowed on the Upper Tank Bund Road and since the lorry was not visible, the Yamaha motor cycle dashed the rear side of the lorry, due to which, the deceased and other sustained grievous injuries to the head and other parts of the body and died on the spot. Prior to the accident, the

deceased was aged about 19 years and was a student of 1st year M.B.B.S. studying at Gandhi Medical College, Secunderabad. The 1st petitioner is the father and the 2nd petitioner is the mother of the deceased. Due to the sudden demise of the deceased, the petitioners are put to mental agony and shock. Hence, the petitioners filed the claim petition claiming compensation of Rs.12,00,000/-, payable by both the respondents, being the owner and insurer of the offending lorry.

4. In the claim petition, the 1st respondent remained *ex parte*. The 2nd respondent filed 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.

5. 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 awarded total compensation of Rs.10,65,000/- with interest @ 7.5% per annum from the date of petition till the date of deposit, payable by both the respondents jointly and severally. Aggrieved by the said order, the appellant/2nd respondent/insurance company filed the present appeal.

6. Heard.

7. 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.12,00,000/-, the Tribunal awarded an amount of Rs.10,65,000/- with interest @ 7.5% per annum from the date of petition till the date of deposit. 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.

8. 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. No order as to costs.

Miscellaneous petitions pending, if any, shall stand dismissed.

T.AMARNATH GOUD, J

Date: 30th December, 2019

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