

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

C.M.A.No.40 OF 2004

JUDGMENT:

This appeal is preferred by the appellant/2nd respondent/insurance company questioning the order of the Motor Accident Claims Tribunal-cum-District Judge, Adilabad, (for short, the Tribunal) in O.P.No.267 of 1999, dated 17.02.2003.

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 27.05.1998 at about 9:00 A.M., while the petitioner was travelling in the lorry, which was loaded with cement, as cleaner towards Luxettipet, the driver of the lorry driven the vehicle with high speed in a rash and negligent manner and dashed the tipper bearing No.AP 9T 9138, due to which the lorry turtled and one person died. The petitioner and some others received grievous injuries. The petitioner sustained fracture to both arms, head, toes, ankle and other parts of the body. Therefore, he was shifted to Government Hospital, Mancherial, and thereafter shifted to M.G.M. Hospital, Warangal, where he was treated as inpatient till 01.08.1998 and incurred expenditure of Rs.30,000/-. The petitioner was earning Rs.1,500/- per month and after the alleged accident, he is unable to lift heavy articles and he has become permanently disabled. Respondent No.1 – the owner of the lorry and respondent No.2 – insurer are jointly and severally liable to pay compensation to the petitioner.

Therefore, the petitioner claimed a compensation of Rs.2,00,000/- payable by both the respondents.

4. In the claim petition, the 1st respondent remained *ex parte*.

5. The 2nd respondent filed counter denying the allegations and contended that the amount claimed by the claimant is highly excessive and 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 PW.1 and Exs.A1 to A7, the Tribunal awarded a total compensation of Rs.1,00,000/- with interest @ 9% per annum i.e., Rs.18,000/- towards loss of past earnings, Rs.22,000/- towards loss of future earnings, Rs.40,000/- towards pain and suffering, Rs.10,000/- towards medicines, transport, attendant charges, extra nourishment and Rs.10,000/- towards loss of amenities of life on account of amputation of fingers of foot. 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 awarded an amount of Rs.1,00,000/- with interest @ 9% 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 Civil Miscellaneous Appeal is dismissed confirming the order 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:19.11.2019

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