

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No. 1610 of 2009

JUDGMENT:

This appeal is directed against the Judgment and decree dated 01.12.2006 passed by the Motor Accidents Claims Tribunal-cum-I Additional District Judge, Medak at Sangareddy (for short 'the Tribunal), in O.P.No.382 of 2003 whereby the Tribunal awarded compensation of Rs.6,50,000/- together with interest from the date of petition till the date of realization against the claim of Rs.15,00,000/- on account of the injuries sustained by the claimant in an accident that occurred on 20.01.2003, due to the rash and negligent driving by the driver of auto bearing No.AP 23 V 1441 dashed a bullock cart near Kulabgur Village outskirts at about 06.00 AM along with other inmates in the auto, and accordingly apportioned the compensation among both the respondents.

For the sake of convenience, the parties to this appeal will hereinafter be referred as they are arrayed before the Tribunal.

Now in this appeal, it is the contention of the learned Counsel for insurer i.e. National Insurance Company Limited that the Tribunal erred in taking the salary of the injured at Rs.5,096/-, which is on higher side and that if the petitioner sustained 50% disability as per Ex.A.13, in the absence of evidence the salary of the injured is to be reduced by 50% and that the compensation granted by the Tribunal is on higher side and excessive.

Learned counsel for the appellant pressed for only Issue No.1, which was framed by the Tribunal i.e. Whether the accident

took place on account of rash and negligent driving of the driver of the auto bearing No.AP 23V 1441 in which the claimant was travelling on 20.01.2003 and the auto driver dashed against the bullock cart at Kulabghar Village outskirts as a result, the claimant received injuries.

With regard to issue No.1, the Tribunal examined PW.1, marked Exs.A1 to A3 and opined that the accident occurred due to rash and negligent driving of the driver of the auto. Ex.B.2 is the copy of policy. PW.1 stated that as per permit issued by RTA four persons can travel and that at the time of accident there were three persons and driver. It is not in dispute that the driver of the auto having valid driving license and that the insurance policy of the said vehicle is in force at the time of accident. As such the contention of the learned counsel for the appellant – insurance company cannot be countenanced and the appeal is liable to be dismissed.

Accordingly the appeal is dismissed, confirming the judgment dated 01.12.2006 passed by the Motor Accidents Claims Tribunal-cum-I Additional District Judge, Medak at Sangareddy in O.P.No.382 of 2003. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this appeal shall stand closed.

16.07.2019
kvrn

T. AMARNATH GOUD, J