

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 2059 OF 2006

JUDGMENT:

This appeal is directed by the insurance company against the decree and judgment dated 03.01.2006 passed by the Motor Accidents Claims Tribunal-cum-I Additional District Judge, Medak at Sangareddy (for short 'the Tribunal), in M.V.O.P.No.341 of 2004, whereby the tribunal allowed the appeal in part awarding compensation of Rs.2,21,000/-, on account of the accident occurred on 24.05.2003, while the deceased Naikoti Nagaraju along with his friend Veeranna were going to Sadasivapet on their bicycle on the extreme left side of the road to attend their duties in Pawan Kirana Shop, at about 09.30 a.m. a tractor bearing No. AP 23 T 2601 came from back side with high speed in a rash and negligent manner, dashed the deceased from behind and ran over the deceased, for which the deceased received severe injuries and died on the spot, as against the claim of Rs.2,50,000/-.

2. For the sake of convenience, the parties herein are referred to as arrayed in the tribunal.

3. Respondents resisted the claim of the claimants denying the accident.

4. In order to prove the case of the claimants, PWs.1 and 2 were examined and marked Exs.A.1 to A.4 on behalf of the claimants and Ex.B.1-copy of policy was also marked. No oral evidence is adduced on behalf of the respondents.

5. Learned standing counsel for the appellant contended that the compensation granted by the tribunal is on higher side without any proper evidence and hence, prayed to award only just and reasonable compensation by taking the things as on the date of accident.

6. Learned counsel appearing for the claimants contended that the award passed by the tribunal is well considered and needs no interference of this Court and hence, prayed to dismiss the appeal.

7. On perusal of the entire material available on record and having regard to the facts and circumstances of the case, the order passed by the tribunal is well considered and needs no interference of this Court. Accordingly, the appeal filed by the insurance company is liable to be dismissed.

8. In view of the above, the appeal is dismissed confirming the decree and judgment dated 03.01.2006 passed in M.V.O.P.No.341 of 2004 by the Motor Accidents Claims Tribunal-cum-I Additional District Judge, Medak at Sangareddy. There shall be no order as to costs.

Miscellaneous petitions if any, shall stand closed.

T.AMARNATH GOUD,J

Date: 17-10-2019
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