

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. NO.2693 OF 2009

JUDGMENT:

This appeal is preferred by the appellants/Insurance Company questioning the Award of the Motor Vehicle Accident Claims Tribunal (I Additional District Judge) at Warangal (for short, the Tribunal) in M.V.O.P.No.37 of 2004, dated 11.07.2006.

2. The brief facts of the case are that respondent No.1 is wife, respondent Nos.2 and 3 are the sons and respondent Nos.4 and 5 are the parents of the deceased, Siripelly Kumara Swamy. On 15.10.2003, at about 3.30 pm., the deceased and one Vishwapathi Damodhar were proceeding on Hero Honda motorcycle bearing No.AP37J 3748, and when they reached C.C.C.Naspur gate, jeep bearing No.AP1U 3761 came in a rash and negligent manner with high speed in opposite direction and hit the motorcycle. In the said accident, the deceased fell down and sustained internal and external grievous injuries and died while shifting to MGM Hospital, Warangal. Respondent Nos.1 to 5 herein filed the aforesaid MVOP against the owner of the jeep (respondent No.6 herein) and the insurer of the jeep (appellants herein), claiming compensation of Rs.12,00,000/- for the death of the deceased.

3. Before the Tribunal, owner of the jeep, remained *ex parte*. The appellant-Insurance Company filed a 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 prayed to dismiss the claim petition.

4. 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 jeep and awarded total compensation of Rs.6,58,000/- under various heads, with interest at the rate of 7.5% per annum. Aggrieved by the said order, the appellant/Insurance Company filed the present appeal.

5. Heard.

6. Having regard to the facts and circumstances of this case, I am of the opinion that the Tribunal has passed a well reasoned order. Therefore, no interference is required in the award passed by the Tribunal. Consequently, the appeal is liable to be dismissed.

7. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed. Miscellaneous petitions pending, if any, shall stand dismissed. No order as to costs.

Date: 06-08-2019
TJMR

T.AMARNATH GOUD, J