

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No. 2159 of 2009

JUDGMENT:

This appeal is directed against the order dated 06.06.2006 passed by the Motor Accident Claims Tribunal-cum-III Additional Sessions Judge (FTC), Nalgonda (for short 'the Tribunal), in O.P.No.217 of 2004 whereby the Tribunal granted a sum of Rs.35,500/- towards compensation together with interest from the date of petition till the date of realization against the claim of Rs.1,50,000/- on account of the injuries sustained in a motor accident with the Maruti Car bearing No.AP 9 VMTR 3140 occurred on 06.10.2003 while the petitioner and others were proceeding from Mallepally to Devarakonda in an auto bearing No.AP 24 U 9464, when the auto reached near Pedda Darga of Devarakonda Village, due to the rash and negligent driving by the driver of Maruti car bearing No. AP 9 VMTR 3140, 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 appellant/Insurance Company is that the Tribunal failed to consider that the accident did not occur due to rash and negligent driving of the driver of the Maruthi car and that PW.2 was not treated immediately after the accident and that there is no valid driving license to drive the Maruthi car on the date of accident and that 10 persons were traveling in the auto, which is

more than the permitted number and that the Tribunal erred in granting the compensation.

Considering the facts and circumstances of the case that since the Insurance Company has not adduced any evidence regarding the fact that the driver of the Maruthi car do not possess any valid driving license on the date of accident, cannot improve its case in the appeal. The award passed by the Tribunal is well considered and needs no interference by this Court and the appeal is liable to be dismissed.

Accordingly the appeal is dismissed, confirming the order dated 06.06.2006 passed by the Motor Accidents Claims Tribunal-cum-III Additional Sessions Judge (FTC), Nalgonda in O.P.No.217 of 2004. 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