

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.1363 of 2006

JUDGMENT:

This appeal is filed assailing the judgment and award dated 31-07-2004 passed in O.P.No.255 of 2002 on the file of the Chairman, Motor Accidents Claims Tribunal (I Additional District Judge), Warangal.

2. Brief facts of the case are that the claimants, who are the legal heirs of the deceased-Laxmi, filed the claim petition against the appellant and others claiming compensation of Rs.3.00 lakhs for the death of the deceased in a motor accident while she was travelling in an ambulance along with her husband.

3. In the claim petition, the appellant-insurer 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 therefore 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 crime vehicle and awarded total compensation of Rs.2,96,000/- under various heads, with interest at the rate of 9% per annum, payable by both the appellant insurer and recover the same from 2nd respondent-owner of

the crime vehicle. Aggrieved by the said order, the appellant/insurer filed the present appeal.

5. Heard and perused the material available on record.

6. As seen from the case on hand, the insurer has not made out its case for reducing the compensation since there is no evidence on record either oral or documentary in support of its claim. Further, on perusal of the impugned order passed by the Tribunal, it is clear that the Tribunal after appreciating the oral and documentary evidence came to the conclusion and rightly granted compensation and ordered the insurer to pay and recover the same from the owner of the crime vehicle. I find no illegality or irregularity in the order passed by the Tribunal and therefore the order does not warrant any interference by this Court and accordingly, the appeal is liable to be dismissed.

7. Accordingly, the Appeal is dismissed. No costs.

8. Miscellaneous petitions pending, if any, shall stand dismissed.

T.AMARNATH GOUD, J

Date: 04-12-2019
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