

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.1142 OF 2006

JUDGMENT:

This appeal, under Section 173 of the Motor Vehicles Act, 1988 (for short, 'the Act') is preferred by the appellant/petitioner aggrieved by the order and decree, dated 17.01.2006, passed in O.P.No.1342 of 2003 by the Special Judge for Trial of Cases under E.C Act-cum-III Additional Metropolitan Sessions Judge-cum-XVII Additional Chief Judge-cum-MACT, Hyderabad (for short, 'the Tribunal').

2. The brief facts of the case are that the on 23.03.2003, the appellant along with her husband and daughter were proceeding to Chote Dongar in the Car bearing No.AP-11-F-6721, belonging to the 1st respondent, and when they reached Hamirgarh, the driver of the car drove the vehicle in a rash and negligent manner, due to which the appellant and her husband fell down from the car and sustained grievous injuries to the appellant, however, her husband died on the same day due to the injuries. She spent huge amount for her treatment. A case in Crime No.22 of 2003 was registered against the driver of the said car. She further stated that she is working as Deputy Mandal Revenue Officer and getting salary of Rs.15,000/- per month and due to the accident she could not attend the offence from 24.03.2003 to 01.07.2003. Therefore, she is claiming an amount of Rs.45,000/- towards loss of earnings during that period. Hence, she is claiming compensation of Rs.1,50,000/- in all.

3. The 1st respondent remained *ex parte*. The 2nd respondent filed counter *inter alia* contending that the subject vehicle was not holding valid driving licence at the time of accident; that the 1st respondent has violated the terms and conditions of the policy; that the compensation claimed is excessive and hence, he 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 had occurred due to rash and negligent driving of driver of the crime vehicle and awarded total compensation of Rs.66,800/- under various heads with interest at the rate of 7.5% per annum from the date of petition till deposit against both the respondents. Aggrieved by the said order, the appellant/petitioner filed the present appeal.

5. A perusal of the impugned order reveals that the Tribunal by taking into consideration all the aspects, awarded an amount of Rs.15,000/- towards fracture of left ankle, Rs.2,400/- towards medical bills, Rs.2,000/- towards transport charges, Rs.2,000/- towards pain and suffering, Rs.2,000/- towards extra nourishment, Rs.7,000/- towards loss of earnings and Rs.36,400/- towards permanent disability. Thus, in all awarded a sum of Rs.66,800/- as against the claim of Rs.1,50,000/- with interest @ 7.5% per annum.

6. In the considered opinion of this Court, the Tribunal passed order after considering all aspects and there is no reason to interfere with the said order. Hence, the appeal is devoid of merit and the same is liable to be dismissed.

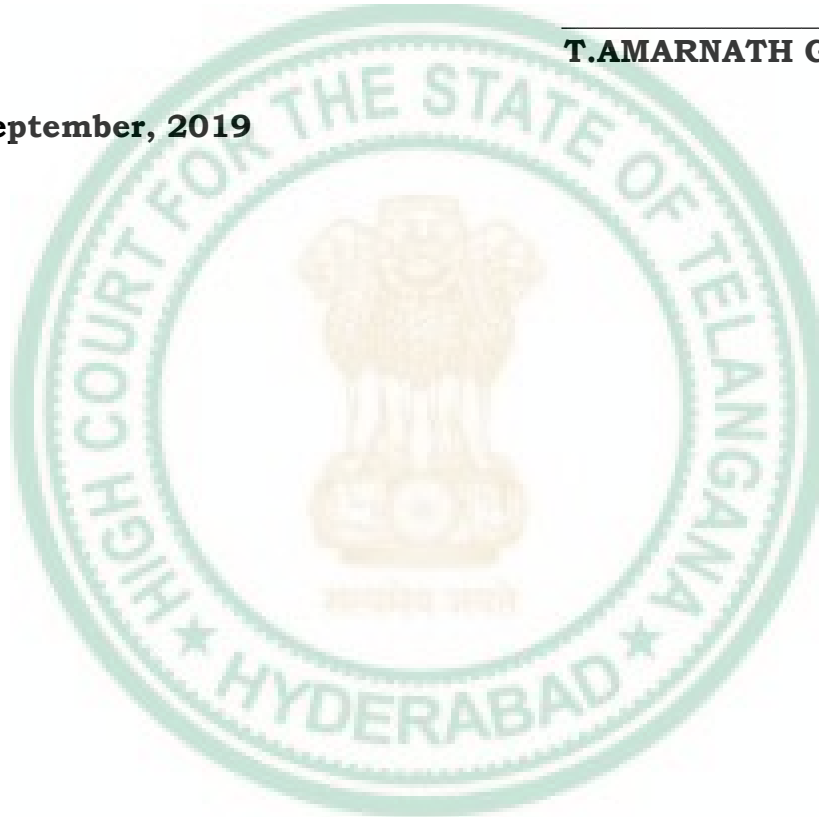
7. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed confirming the order and decree, dated 17.01.2006, passed in O.P.No.1342 of 2003 by the Special Judge for Trial of Cases under E.C Act-cum-III Additional Metropolitan Sessions Judge-cum-XVII Additional Chief Judge-cum-MACT, Hyderabad.

Miscellaneous petitions pending, if any, shall stand closed.
There shall be no order as to costs.

T.AMARNATH GOUD, J

25th September, 2019

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THE HON'BLE SRI JUSTICE T.AMARNATH GOUD



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Date : 25.09.2019

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