

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.2045 OF 2006

ORDER:

This appeal is preferred against judgment and decree dated 23.03.2006 passed in O.P.No.163 of 2002 by the Motor Accidents Claims Tribunal-cum-V Additional District Judge, Nizamabad.

2. It is the case of injuries as against the claim of Rs.2,00,000/- in an accident occurred on 10.12.2001, when the claimant along with Mohd. Iliaz, Kondrolla Indira, Mohd. Rafath, K.Shivaji and G.Prabhakar were traveling in the jeep bearing No. AP 25 T 5156 from Varni bus stand to go to Nizamabad, when the jeep reached near Mallaram Gandhi, the driver drove it at high speed in rash and negligent manner and dashed against the tree situated by the side of the road.

3. After examining PW.1-Begari Raja Mallaij, injured and PW.2- Dr.T.Narsing Rao and marking Exs.A.1 to A.6 on behalf of the injured and on perusal of the material available on record, the tribunal came to the conclusion that the accident occurred due to rash and negligent driving of the driver of the jeep bearing No. AP 25 T 5156, but dismissed the claim petition that the petitioner failed to prove that he suffered number of injuries, nature of injuries, alleged treatment, expenses incurred therefor as well as alleged disability, loss of future income.

4. Learned counsel for the claimant contended that the tribunal erred in granting just compensation though held that the accident occurred, but the claimant failed to prove the injuries and that the claimant filed Ex.A.5-wound certificate and hence, prayed to grant just and proper compensation.

5. Learned standing counsel for the Insurance Company contended that the order passed by the tribunal is well considered and needs no interference of this Court and hence, prayed to dismiss the appeal.

4. Admittedly, as per the evidence of Ex.A.3- charge sheet, the accident occurred and LWs2 to 8 are traveling in the jeep as passengers and the said jeep was insured with the 2nd respondent – insurance company and owned by the 1st respondent and that the policy is in force. In view of the M.V. Act is a beneficial legislation as held by the Apex Court in several judgments, on the facts and circumstances of the case, compensation can be granted, as per the material available on record. Hence, this Court feels that the claimant suffered two grievous injuries, for which an amount of Rs.15,000/- for each injury is granted, which is just compensation i.e. Rs.30,000/- with interest @ 7.5% per annum from the date of petition till the date of realization payable by the Insurance Company within two months from the date of judgment.

5. In view of the above, MACMA is allowed setting aside the judgment and decree dated 23.03.2006 passed in O.P.No.163 of 2002 by the Motor Accidents Claims Tribunal-cum-V

Additional District Judge, Nizamabad. There shall be no order as to costs.

Miscellaneous Petitions, if any, shall stand closed.

T.AMARNATH GOUD,J

Dated 27.11.2019
kvrn

