

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.2185 OF 2006

JUDGMENT:

This appeal is preferred by the appellant/petitioner/claimant questioning the order of the Motor Accident Claims Tribunal-cum-District Judge, Ranga Reddy District, at Saroornagar, Hyderabad (for short, the Tribunal) in O.P.No.470 of 1996 dated 28.06.1999.

2. For the sake of convenience, the parties are hereinafter referred to as they were arrayed before the Tribunal in the original petition.

3. The brief facts of the case are that the petitioner was a businessman earning Rs.3,000/- per month and he was aged 26 years as on the date of the accident. On 28.12.1995 at about 8.00 p.m., he was going on a scooter bearing No.ATR-7168 as pillion rider from Ramachandrapuram to Patancheru. On reaching Mangal Dhabha, a scooter bearing No.AP 9J 4786 came from opposite direction driven in rash and negligent manner and dashed the scooter bearing No.ATR-7168. As a result, the petitioner and riders of both the scooters fell on the road. The petitioner sustained fracture injury to right leg. He was shifted to Gandhi Hospital, Secunderabad, for treatment where he was treated as inpatient from 28.12.1995 to 31.01.1996 and his right leg below knee joint was amputated. Hence, the petitioner filed the claim petition claiming compensation of Rs.2,00,000/-, payable by both the respondents, being the owner and insurer of the offending scooter.

4. In the claim petition, the 1st respondent remained *ex parte*. The 2nd respondent filed counter denying the allegations and contended that the amount claimed by the claimant is highly excessive and that they are not liable to pay any compensation and therefore prayed to dismiss the claim petition.

5. After considering the oral evidence of P.Ws.1 to 3 and documentary evidence of Exs.A-1 to A-10 & Ex.B-1, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the rider of the offending scooter and awarded total compensation of Rs.1,09,000/- i.e., Rs.7,200/- towards loss of earnings, Rs.10,000/- towards medical expenses, Rs.15,000/- towards pain and suffering and Rs.76,800/- towards loss of future earnings, with interest @ 12% per annum from the date of petition till the date of payment, payable by both the respondents. Aggrieved by the said order, the appellant/petitioner/claimant filed the present appeal.

6. Heard Sri M.Krishna Mohan Rao, learned counsel for the appellant and Sri V.Venkata Rami Reddy, learned standing counsel for the 2nd respondent/insurance company.

7. A perusal of the order reveals that the Tribunal passed a well considered order by taking into consideration all the aspects and as against the claim of Rs.2,00,000/-, the Tribunal awarded an amount of Rs.1,09,000/- with proportionate costs and interest @ 12% per annum from the date of petition till the date of payment.

Therefore, I see no reason to interfere with the order of the Tribunal and the appeal is liable to be dismissed.

8. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed confirming the award and decree passed by the Tribunal in all respects, including the rate of interest. No order as to costs.

Miscellaneous petitions pending, if any, shall stand dismissed.

T.AMARNATH GOUD, J

Date: 22nd November, 2019

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