

**THE HON'BLE SRI JUSTICE T.AMARNATH GOUD**

**M.A.C.M.A. No.1974 OF 2006**

**JUDGMENT:**

This appeal is filed by the appellants-claimants aggrieved by the Order and Decree dated 20-02-2006 passed in O.P.No.354 of 2001 by the Motor Vehicle Accidents Claims Tribunal-cum-V Additional District Judge (FTC), Ranga Reddy District at L.B.Nagar (for short, the Tribunal).

2. The brief facts of the case are that on 05.07.2000 at about 8.30 pm., while the first appellant was waiting at Chinthalkunta Bus Stop, a lorry bearing No.AAT 4792 came at high speed from L.B.Nagar side and rear side right wheel has come out with desk ring from the vehicle and hit him, as a result of which, the first appellant sustained injuries to left side of his body. Originally, the first appellant filed the above OP against respondent Nos.1 and 2, the owner and the insurer of the lorry, claiming compensation of Rs.1,00,000/- for the injuries sustained by him. During the pendency of the said OP, the first appellant died on 24.12.2001 and appellant Nos.2 to 4, who are father, mother and sister of the first appellant, were brought on record.

3. Before the Tribunal, respondent No.1 remained *ex parte*. Respondent No.2 filed counter denying the allegations made in the claim petition and contended that the amount claimed is excessive and prayed to dismiss the 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 lorry and awarded compensation of Rs.5,150/- with interest @ 7.5% per annum, i.e., Rs.2,000/- towards attendant charges, Rs.1,000/- towards transport charges and Rs.2,150/- towards purchase of medicines. Dissatisfied with the quantum of compensation, the appellants filed the present appeal, seeking enhancement of the same.

5. Smt.R.Madhavi Latha, learned counsel representing Sri V.Atchuta Ram, learned counsel for the appellants, submits that though the first appellant died during the pendency of the OP, due to the injuries sustained by him in the accident and his legal heirs were brought on record, the Tribunal did not take the same into consideration in awarding compensation, but awarded meager compensation of Rs.5,150/- by taking the injuries into consideration. She seeks to grant compensation under no fault liability by converting the OP from Section 166 of the Motor Vehicles Act, 1988 (for short, the Act) to Section 163-A of the Act.

6. Sri Srinivasa Rao Vutla, learned counsel for respondent No.2, submits that the Tribunal passed a well reasoned order and sought to dismiss the appeal.

7. It is seen from the record that the first appellant died during the pendency of the OP and appellant Nos.2 to 4 were brought on

record. However, appellant Nos.2 to 4 did not take any steps before the Tribunal to show that due to the injuries suffered in the accident, the first appellant died. Therefore, in the absence of any evidence to prove that the first appellant died due to the injuries suffered by him in the accident, this Court is not inclined to interfere with the same. With regard to the contention of the learned counsel for the appellant about conversion of OP from Section 166 of the Act to Section 163-A of the Act is concerned, appellant Nos.2 to 4 did not file any such application before the Tribunal as well as before this Court till date and hence, this Court is not inclined to interfere with the same and the contentions of the learned counsel for the appellants are negatived.

8. Coming to the amount of compensation, after the accident, the first appellant was shifted to Osmania General Hospital, Hyderabad, where he was treated from 05.07.2000 to 31.07.2000. The appellants except filing Ex.A.5, two medical bills for Rs.150/- and Rs.2,000/-, totaling to Rs.2,150/-, did not file any other bills. Therefore, the Tribunal granted the amount under Ex.A.5. Apart from the same, the Tribunal granted Rs.2,000/- towards attendant charges and Rs.1,000/- towards transport charges. In the circumstances, this Court feels that the Tribunal has awarded reasonable compensation after considering the oral and documentary evidence adduced on both sides, and hence, this Court sees no grounds to interfere with the order of the Tribunal.

9. In the result, the Motor Accidents Civil Miscellaneous Appeal is dismissed. Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

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**T.AMARNATH GOUD, J**

Date: 17-10-2019  
TJMR

