

HONOURABLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.2224 of 2006

JUDGMENT:

This appeal is filed by the New India Assurance Company Limited under Section 173 of the Motor Vehicles Act aggrieved by the orders passed by the Chairman, Motor Accidents Claims Tribunal-cum-III Additional District Judge (FTC-I), Nalgonda (for short 'the Tribunal), in O.P.No.623 of 2004 dated 07.03.2006.

2. For the sake of convenience, the parties herein are referred to as arrayed in the Court below.

3. The brief facts of the case are that on 22.04.2004, while the injured claimant was traveling in an auto bearing No.AP-7-U-9921 from Nellikal Village to Peddavoora at about 10.00 PM and when said auto reached Urabhavi Thanda, its driver drove it in a rash and negligent manner, due to which said auto turned turtle and the injured claimant and other inmates sustained injuries. According to the claimant, he was earning Rs.3,000/- per month as labourer.

4. The Tribunal after framing the issues and examining the witnesses, allowed in part the claim of the claimant and awarded an amount of Rs.36,000/- against the claim of Rs.2,00,000/-. Aggrieved by said award, the insurance company preferred the present appeal.

5. Learned counsel for the appellant-insurance company contended that the Tribunal ought to have seen that the injured claimant was sitting beside the auto driver and had contributed to

the accident and not liable to the compensation and the Tribunal ought to have seen that the owner of the vehicle had violated the policy conditions by overloading the vehicle more than the permitted number of passengers and sought to exonerate him from the liability by allowing the appeal.

6. No representation for the 1st respondent-claimant.

7. From perusal of the record, the award of the Tribunal is well considered and requires no interference of this Court and the appeal is liable to be dismissed.

8. Accordingly and in the result, this Appeal is dismissed by confirming the order of the Tribunal. No costs.

Miscellaneous petitions if any shall stand closed.

Date: 06.11.2019
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T.AMARNATH GOUD, J