

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

C.M.A. Nos. 3814 and 3976 of 2004

COMMON JUDGMENT:

Since both these appeals arise out of the same accident and the respondents are also one and the same, these appeals are being disposed of by this common judgment.

2. Appellant in C.M.A. No.3814 of 2004 is the husband of the appellant in C.M.A. No.3976 of 2004.

3. C.M.A.No.3814 of 2004 is filed by the appellant/claimant questioning the order passed in O.P.No.956 of 1997, dated 10-06-2004 and C.M.A.No.3976 of 2004 is filed by the appellant/claimant questioning the order passed in O.P.No.959 of 1997, dated 10-06-2004 of the Motor Accident Claims Tribunal (District Judge), Nizamabad (for short, the Tribunal).

CMA No.3814 of 2004:

4. Brief facts of the case are that on 24-08-1993 when the appellant/claimant is traveling from Tirupati to go to Hyderabad in jeep bearing No.AP-10/D-7516 and when he reached in the limits of Sankalamaddi village, near Vemula gate, at about 4 pm, a lorry bearing No.ADA 7642 came from opposite direction, driven by its driver in a rash and negligent manner at high speed and dashed their jeep, as a result, his liver was damaged and sustained grievous

injuries. Hence, he filed the claim petition seeking compensation of Rs.10.00 lakhs against the respondent Nos.1 and 2, who are the owner and insurer of the crime vehicle, by contending that he is doing business in Hasti Pipes and motor submersible and earning Rs.6000/- per month.

5. In the claim petition, the 2nd respondent-insurer filed a counter denying the allegations and contended that the amount claimed by the claimant is highly excessive and that it is not liable to pay any compensation and therefore prayed to dismiss the claim petition.

6. After considering the oral and documentary evidence on record, the Tribunal held that the accident occurred due to the rash and negligent manner of the driver of the crime vehicle and accordingly granted compensation of Rs.1,94,453/- i.e. Rs.25,000/- towards pain and suffering; Rs.50,000/- towards disability and Rs.1,19,453/- towards medical expenses. Dissatisfied with the same compensation, the claimant filed the appeal.

C.M.A. No.3976 of 2004:

7. Brief facts of the case are that on 24-08-1993 when the appellant/claimant is traveling from Tirupati to Hyderabad in a jeep bearing No.AP-10/D-7516 and when she reached in the limits of Sankalamaddi village, near Vemula gate, at about 4 pm, a lorry bearing No.ADA 7642 came from opposite direction, driven by its

driver in a rash and negligent manner at high speed and dashed their jeep, as a result, her bone was fractured and sustained grievous injuries. Hence, she filed the claim petition seeking compensation of Rs.10.00 lakhs against the respondent Nos.1 and 2, who are the owner and insurer of the crime vehicle, by contending that she is working as a teacher and earning Rs.1000/- per month.

8. In the claim petition, the 2nd respondent-insurer filed a counter denying the allegations and contended that the amount claimed by the claimant is highly excessive and that it is not liable to pay any compensation and therefore prayed to dismiss the claim petition.

9. After considering the oral and documentary evidence on record, the Tribunal held that the accident occurred due to the rash and negligent manner of the driver of the crime vehicle and accordingly granted compensation of Rs.88,739/- i.e. Rs.25,000/- towards pain and suffering; Rs.50,000/- towards disability and Rs.13,739/- towards medical expenses. Dissatisfied with the same compensation, the claimant filed the appeal.

10. Heard.

11. As seen from the cases on hand, the appellants have not made out their cases for considering enhancement of compensation since there is no evidence on record either oral or documentary in support of their claim. However, the Tribunal after appreciation of

oral and documentary evidence available on record and considering the nature of injuries sustained by the appellants, rightly awarded the compensation which needs no interference by this Court. Hence, the orders passed by the Tribunal are well considered and therefore, both the appeals are liable to be dismissed.

12. Accordingly, both the appeals are dismissed. No costs.

13. Miscellaneous petitions pending, if any, shall stand dismissed. No order as to costs.

T.AMARNATH GOUD, J

Date: 28-08-2019

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