

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.1450 OF 2006

JUDGMENT:

This appeal is preferred by the appellant/2nd respondent/insurance company questioning the order of the Motor Accident Claim Tribunal (IV Additional District Judge) (FTC), Nizamabad (for short, the Tribunal) in O.P.No.2054 of 2001 dated 07.10.2005.

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 petitioners are the parents of the deceased-Suryateja. On 25.10.2001 at about 3.30 p.m., while the petitioners along with the deceased were going from Nizamabad to Sirikonda on scooter bearing No.AP25-D-493 and the petitioner No.1 was driving the scooter on his left side of the road very slowly and cautiously, when they reached Indalwai Forest, on N.H.No.7 at a distance of 3 km towards South from Dichpally Police Station, at about 3.30 p.m. he stopped the scooter and the deceased was coming after answering the nature call, meanwhile a Tata Sumo bearing No.AP-9-AJ-7131 driven by its driver in rash and negligent manner at high speed and drove on wrong side of the road (Tata Sumo was coming from Indalwai side and going towards Nizamabad) and the driver of the Tata Sumo

lost his control over the Tata Sumo and dashed against the deceased and the Tata Sumo ran over the deceased, due to which the deceased sustained multiple and grievous head injuries and other multiple and grievous injuries all over the body. Immediately he was taken to Government Head Quarters Hospital, Nizamabad, where he was declared dead. The accident occurred due to the sole rash and negligent driving of the driver of the Tata Sumo. Hence, the petitioners filed the claim petition claiming compensation of Rs.3,00,000/-, payable by both the respondents, being the owner and insurer of the offending Tata Sumo.

4. In the claim petition, the respondents filed written statements denying the allegations and contended that the amount claimed by the claimants is highly excessive and that it is not liable to pay any compensation and therefore prayed to dismiss the claim petition.

5. After considering the oral evidence of P.W.1 and documentary evidence of Exs.A-1 to A-6 & Ex.B-1, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the offending Tata Sumo and awarded total compensation of Rs.1,52,000/-, i.e., Rs.1,50,000/- towards loss of income and Rs.2,000/- towards funeral expenses, with interest @ 7.5% per annum from the date of petition till the date of deposit, payable by both the respondents. Aggrieved by the said order,

the appellant/2nd respondent/insurance company filed the present appeal.

5. Heard Sri A.Veerawamy, learned standing counsel for the appellant/insurance company. Perused the material record.

6. 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.3,00,000/-, the Tribunal awarded an amount of Rs.1,52,000/- with interest @ 7.5% per annum from the date of petition till the date of deposit. Hence, this Court finds that the compensation awarded by the Tribunal is just and reasonable. Therefore, I see no reason to interfere with the order of the Tribunal and the appeal is liable to be dismissed.

7. 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: 3rd December, 2019

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