

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.2307 OF 2006

JUDGMENT:

This appeal is preferred by the appellant/petitioner/claimant questioning the order of the Chairman, Motor Accidents Claims Tribunal (III Additional District Judge), at Nalgonda (for short, the Tribunal) in O.P.No.652 of 2003 dated 16.12.2005.

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 on 21.02.2003 at 4.30 p.m., while the petitioner and his friend Ramakrishna Reddy were standing near the bridge of Darveshipuram at Yellamma Temple, one M.Sathi Reddy along with his son came on his scooter from Nalgonda side and on seeing them, he stopped the scooter by the side of the road and while the petitioner and his friend were talking to Sathi Reddy, one DCM Van bearing No.AP 24U 2323 came from Kangal side, driven by its driver in a rash and negligent manner at high speed and dashed to the scooter, due to which the petitioner received grievous injuries and Sathi Reddy and others also sustained injuries and the son of Sathi Reddy, by name, Shivananda Reddy, died on the spot and immediately after the accident, the petitioner was shifted to Government Head Quarters Hospital, at Nalgonda, from where he was taken to the hospital of Dr.Raji Reddy of Kadimi Hospital, Nalgonda and he was also treated by Dr.M.A.M.Khan, Ortho Surgeon, Himayathnagar,

Hyderabad, and also at NIMS, at Hyderabad, and he spent huge amount for his treatment and medicines. Prior to the accident, he was hale and healthy, working as agriculturist and he was earning Rs.5,000/- per month and contributing the same for the welfare and maintenance of his family and due to the injuries sustained by him and taking treatment, he was permanently disabled and became unable to do work. Hence, the petitioner filed O.P.No.652 of 2003 claiming compensation of Rs.2,00,000/-, payable by both the respondents, being the owner and insurer of the offending DCM Van.

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 5 and documentary evidence of Exs.A-1 to A-22 & 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 crime vehicle and awarded total compensation of Rs.61,000/-, i.e., Rs.25,000/- towards one grievous injury, Rs.8,000/- @ Rs.2,000/- each for simple injuries, Rs.20,000/- towards expenditure for treatment and Rs.8,000/- towards loss of income, with interest @ 8% per annum from the date of petition till the date of deposit, payable by both the

respondents jointly and severally. Aggrieved by the said order, the appellant/petitioner/claimant filed the present appeal.

6. Heard Sri P.Kiran, learned counsel for the appellant and Sri T.K.Sreedhar, learned standing counsel for the 2nd respondent/insurance company. Perused the material record.

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.61,000/- with proportionate costs and interest @ 8% per annum. 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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