

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 1231 OF 2006

JUDGMENT:

This appeal is directed by the insurance company against the decree and judgment dated 03.11.2005 passed in O.P.No.299 of 2001 by the I Additional Motor Accidents Claims Tribunal, Nizamabnad (for short 'the Tribunal), whereby the tribunal awarded compensation of Rs.2,91,000/- with proportionate costs and interest @ 9% per annum from the date of petition till the date of realization on account of the accident occurred on 11.10.2000.

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

3. Before the tribunal, in order to prove the case of the claimant, PWs.1 to 3 were examined and marked Exs.A.1 to A.4 on behalf of the claimants. Ex.B.1 – certified copy of insurance policy and no oral evidence was adduced on behalf of the respondents.

4. Learned standing counsel for the insurance company contended that the crime vehicle was being used for hire and was carrying passengers for hire at the time of accident as per FIR, which is violation of policy conditions and hence, the insurance company is not liable to pay the compensation.

5. Learned counsel appearing for the claimants contended that the award passed by the tribunal is well considered and needs no interference of this Court and hence, prayed to dismiss the appeal.

6. On perusal of the entire material available on record and having regard to the facts and circumstances of the case, the order passed by the tribunal is well considered and needs no interference of this Court.

7. In view of the above, the appeal is dismissed confirming the decree and judgment dated 03.11.2005 passed in O.P.No.299 of 2001 by the I Additional Motor Accidents Claims Tribunal, Nizamabnad. There shall be no order as to costs.

Miscellaneous petitions if any, shall stand closed.

T.AMARNATH GOUD,J

Date: 12-11-2019
kvrn