

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.444 OF 2015

JUDGMENT:

This appeal is filed by the appellant/claimant aggrieved by the order and decree dated 19-03-2014 passed in O.P.No.1628 of 2009 by the Chairman, Motor Accidents Claims Tribunal-cum-II Additional Chief Judge, City Civil Courts, Hyderabad (for short, the Tribunal).

2. The brief facts of the case are that on 15.05.2009 at about 7.00 PM., the petitioner along with her husband by name Anand Reddy was proceeding on motorcycle bearing No.AP28CA 7423 from Ramayampet towards Medchal and on reaching Toopran by-pass road, the lorry bearing No.AP26T 3353 driven by its driver in a rash and negligent manner and at high speed and while trying to take a turn, hit the motorcycle, as a result, the petitioner fell down from the motorcycle and received multiple injuries. Immediately, she was shifted to Balaji hospital in an ambulance, where her left leg above knee was amputated and she underwent operation and fixed with screws. The claimant filed a petition, claiming compensation of Rs.15,00,000/- for the injuries sustained by her.

3. The first respondent remained ex parte and the second respondent filed a written statement, denying the allegations made in the claim petition *inter alia* contending that the amount of compensation claimed by the petitioner is excessive, exorbitant, imaginary and out of proportion and sought to dismiss the petition.

4. During the course of trial, the petitioner examined P.Ws.1 to 4 and got marked Exs.A1 to A15. On behalf of the respondents, no oral evidence was adduced, but Ex.B1 copy of insurance policy was marked.

5. After considering the oral and documentary evidence adduced on both sides, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the lorry and awarded Rs.12,10,500/-, with interest at the rate of 7.5% per annum from the date of the petition, till the date of realisation. Aggrieved by the said award, the appellant/claimant filed the present appeal.

6. Heard Sri K.Jagathpal Reddy, learned counsel appearing for the appellant and Sri A.V.K.S.Prasad, learned counsel appearing for the second respondent.

7. A perusal of the order reveals that the Tribunal has passed a well considered order by taking into consideration the oral and documentary evidence adduced on behalf of both the parties. Hence, I see no reason to interfere with the said award and therefore, the appeal is liable to be dismissed.

8. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed. Miscellaneous petitions pending, if any, shall stand dismissed. No order as to costs.

T.AMARNATH GOUD, J

Date: 21-01-2019
Shr