

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 1812 OF 2006

JUDGMENT:

This appeal is directed by the insurance company against the decree and judgment dated 01.04.2005 passed by the I Additional District Judge, Medak at Sangareddy (for short 'the Tribunal), in O.P.No.436 of 2001, whereby the tribunal allowed the appeal in part awarding compensation of Rs.1,36,000/-, on account of the accident occurred on 24.03.2000, while the deceased to go to Mominpet Village, boarded a lorry bearing No. MH 30 B 2299 at Chittampally Village as gratuitous passenger, between Tandur and Mominpet, the driver of the lorry drove in a rash and negligent manner at high speed, lost control, the deceased fell down, for which the deceased sustained grievous injuries and died on the way to the Hospital and that the deceased is an agriculturist and doing labour work by earning Rs.2,500/- per month, as against the claim of Rs.2,00,000/-.

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

3. Respondent No.1 remained exparte. Respondent No.2 resisted the claim of the claimants denying the accident.

4. In order to prove the case of the claimants, PWs.1 and 2 were examined and marked Exs.A.1 to A.6 on behalf of the claimants. RW.1 was examined on behalf of the respondents and marked Exs.B.1 and B.2.

5. Learned standing counsel for the appellant contended that the compensation granted by the tribunal is on higher side and that the deceased fell down from the lorry due to his own negligence and not due to any negligence of the driver or owner of the lorry and hence, insurance company is not liable to pay the compensation.

6. 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.

7. In view of the present law laid down by the Apex Court, if the same is considered under different heads, the claimants would be entitled for more amounts. Since this is an appeal preferred by the insurance company this Court cannot go into the other issues as the claimants have not filed any appeal or x objections. 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. Accordingly, the

appeal filed by the insurance company is liable to be dismissed.

8. In view of the above, the appeal is dismissed confirming the decree and judgment dated 01.04.2005 passed in O.P.No.436 of 2001 by the I Additional District Judge, Medak at Sangareddy. There shall be no order as to costs.

Miscellaneous petitions if any, shall stand closed.

Date: 17-10-2019
kvrn

T.AMARNATH GOUD,J

