

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.1496 OF 2009

JUDGMENT:

This appeal is preferred by the appellant/insurance company questioning the order of the Chairman, Motor Accidents Claims Tribunal (District Judge), At Nalgonda (for short, the Tribunal) in O.P.No.1033 of 2003 dated 04.10.2007.

2. The brief facts of the case are that the claimant is the mother of the deceased-Angadi Venkatesh, who died in a motor accident. On 30.12.2002, the deceased boarded the auto rickshaw bearing No.AP 24U 9111 at Alair in order to go to Tangutur Village to his relation house and the driver of the auto drove it in a rash and negligent manner with high speed, and at about 8.30 p.m., when the auto reached Saigudem, H/o. Madhire Village, one Auto trolley bearing No.AET 7626 came in the opposite direction and both the auto and auto trolley colluded with each other, resulting the deceased sustained severe head injury and multiple injuries all over the body. Soon after the occurrence, the deceased was admitted in Gandhi Hospital, Secunderabad, for treatment, but the deceased succumbed to the injuries on 31.12.2002. Hence, the claimant claimed a compensation of Rs.1,50,000/- and the 1st & 2nd respondents, being the owner and insurer of the auto rickshaw bearing No.AP 24U 9111, and the 3rd respondent, being the owner of auto trolley bearing No.AET 7626, are jointly and severally liable to pay the compensation.

3. In the claim petition, all the respondents filed separate counters denying the allegations and contended that the amount claimed by the claimant is highly excessive and that it is not liable to pay any compensation and therefore prayed to dismiss the claim petition.

4. After considering the oral and documentary evidence on record, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the drivers of the auto bearing No.AP 24U 9111 and Auto trolley bearing No.AET 7626 and awarded total compensation of Rs.1,50,000/- with interest @ 7.5% per annum. Aggrieved by the said order, the appellant/insurance company filed the present appeal.

5. Heard.

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.1,50,000/-, the Tribunal awarded the total claim amount of Rs.1,50,000/- with interest @ 7.5% per annum.

7. Learned counsel for the appellant is not pressing Issue No.2 and he is only making his submission with regard to Issue No.1 as to whether the deceased Angadi Venkatesh, died in the road accident.

8. The Tribunal has examined P.Ws.1 & 2 and also marked Exs.A-1 to A-4 and in the light of the depositions of P.Ws.1 & 2, more particularly P.W.2, being an eye witness, who has

categorically stated that the accident has taken place due to the rash and negligent driving of the drivers of both the vehicles due to which, the son of the claimant died and since the auto bearing No.AP 24U 9111 is covered with the insurance claim and is having valid policy coverage, the Issue No.1 answered by the Tribunal is well considered and needs no interference. Hence, this Court feels that the order passed 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.

9. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand dismissed.

T.AMARNATH GOUD, J

Date: 16th July, 2019

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