

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. NO.1622 OF 2009

JUDGMENT:

This appeal is preferred by the appellant/Insurance Company questioning the Order of the Motor Accidents Claims Tribunal-cum-I Additional District Judge, Medak at Sangareddy (for short, the Tribunal) in M.V.O.P.No.565 of 2006, dated 15.07.2008.

2. The brief facts of the case are that respondent No.1 is the father and respondent No.2 is the mother of the deceased, Boda Shekar. On 10.07.2005 at about 6.00 pm., while the deceased, as pillion rider, and his friends were going to Digwal Village from Zaheerabad on TVS Champ No.AP23e 6088, and when they reached in the limits of Huggelli on NH No.9, an auto bearing No.AP23T 7287 came in opposite direction in a rash and negligent manner and dashed the TVS Champ. In the said accident, the deceased sustained grievous injuries and died while undergoing treatment at Gandhi Hospital, Secunderabad. Respondent Nos.1 and 2 herein filed the aforesaid MVOP against owner of the auto (respondent No.3 herein) and insurer of the auto (appellant herein), claiming compensation of Rs.4,00,000/- for the death of the deceased.

3. Before the Tribunal, owner of the auto, remained *ex parte*. The appellant-Insurance Company filed a counter denying the allegations and contended that the amount claimed by the claimants is highly excessive and that it is not liable to pay any compensation and 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 driver of the auto and awarded total compensation of Rs.3,22,000/- under various heads, with interest at the rate of 7.5% per annum. Aggrieved by the said order, the appellant/Insurance Company filed the present appeal.

5. Heard.

6. This appeal was filed mainly on the ground that at the time of accident, three members were traveling on the TVS Champ, and the deceased was traveling as a pillion rider, which is violation of terms and conditions of the insurance policy and hence, the appellant has no liability to pay any compensation. Though the same contention was raised by R.W.1, an Administrative Officer of the Insurance Company, before the Tribunal, the same was rejected by the Tribunal on the ground that he did not file any investigation report to prove the same. Hence, I am of the opinion that the Tribunal has passed a well reasoned order and needs no interference. Consequently, the appeal is liable to be dismissed.

7. 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: 02-07-2019
TJMR