

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.797 OF 2008

JUDGMENT:

This appeal is preferred by the appellant/2nd respondent/insurance company questioning the order of the II Additional Chief Judge, City Civil Court, at Hyderabad (for short, the Court below) in O.P.No.25 of 2005 dated 11.10.2007.

2. For the sake of convenience, the parties are hereinafter referred to as they were arrayed before the Court below in the original petition.

3. The brief facts of the case are that the 1st petitioner is the wife, 2nd petitioner is the son and 3rd petitioner is the daughter of the deceased-K.Venkat Reddy, who was aged about 42 years and eking out his livelihood by doing agriculture and business and earning Rs.40,000/- per month. On 12.03.2004, the deceased along with two others, one Smt.K.Radhamma, Smt. Yashoda, Smt. Ahalya and Baby Rashmi, were proceeding on Maruthi Car bearing No.AP-09-AQ-0327 from Oogudu Village to Hyderabad. At about 4.15 p.m., the car reached near Dharmajigudem on Vijayawada, Hyderabad Highway, a lorry tanker bearing No.AP-09W-5342, driven in a rash and negligent manner at high speed came on the wrong side of the road and dashed against the Maruthi Car. As a result of which, Radhamma died on the spot. The

other ailments of the car sustained injuries and while undergoing treatment the deceased died at about 10.00 p.m. Due to the untimely death of the deceased, the petitioners lost his love and affection and as well their sole source of dependents. The petitioners spent about Rs.50,000/- towards the treatment of the deceased in Kamineni Hospital. Hence, the petitioners filed the claim petition claiming compensation of Rs.20,00,000/-, payable by both the respondents, being the owner and insurer of the offending lorry tanker.

4. In the claim petition, the 1st respondent remained *ex parte*. The 2nd respondent filed 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 therefore prayed to dismiss the claim petition.

5. After considering the oral and documentary evidence on record, the Court below came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the crime vehicle and awarded total compensation of Rs.12,09,380/- with interest @ 7.5% per annum from the date of petition till the date of realization, payable by both the respondents jointly and severally. Aggrieved by the said order, the appellant/2nd respondent/insurance company filed the present appeal.

6. Heard.

7. A perusal of the order reveals that the Court below passed a well considered order by taking into consideration all the aspects and as against the claim of Rs.20,00,000/-, the Court below awarded an amount of Rs.12,09,380/- with interest @ 7.5% per annum from the date of petition till the date of realization. Hence, this Court finds that the compensation awarded by the Court below is just and reasonable. Therefore, I see no reason to interfere with the order of the Court below and the appeal is liable to be dismissed.

8. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed confirming the award and decree passed by the Court below in all respects, including the rate of interest. No order as to costs.

Miscellaneous petitions pending, if any, shall stand dismissed.

T.AMARNATH GOUD, J

Date: 30th December, 2019

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