

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. NO.509 OF 2014

JUDGMENT:

This appeal is preferred by the appellant/Insurance Company questioning the Award of the Motor Accident Claims Tribunal-cum-District Judge, Nizamabad (for short, the Tribunal) in O.P.No.912 of 2009, dated 01.10.2013.

2. The brief facts of the case are that respondent No.1 is the wife, respondent Nos.2 and 3 are the sons and respondent No.4 is father is the of the deceased, Surnare Kishan. On the intervening night of 26/27-05-2009, the deceased was traveling on a motorcycle bearing No.AP28AH 806 as pillion rider and the said motorcycle reached near Reliance Petrol Pump, Kandapally village of Bichkunda Mandal, one Auto trolley bearing No.KA38 5019 came in high speed in opposite direction, being driven by its driver in rash and negligent manner and dashed against the motorcycle. Due to which, the appellant fell down and the trolley ran over him and he died on the spot. The respondents herein filed the aforesaid MVOP against the owner of the auto trolley (respondent No.5 herein) and the insurer (appellant herein), claiming compensation of Rs.8,00,000/- for the death of the deceased.

3. Before the Tribunal, owner of the auto trolley, remained *ex parte*. The appellant-Insurance Company filed its 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 trolley and awarded total compensation of Rs.6,00,000/- under various heads, with interest at the rate of 7% per annum. Aggrieved by the said order, the appellant/Insurance Company filed the present appeal.

5. Heard.

6. Having regard to the facts and circumstances of this case, I am of the opinion that the Tribunal has passed a well reasoned order. Therefore, no interference is required in the award passed by the Tribunal. 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.

Date: 08-08-2019
Shr

T.AMARNATH GOUD, J