

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

MACMA.No.210 OF 2006

JUDGMENT:

This appeal is preferred by the appellant/2nd respondent/National Insurance Company Limited, questioning the order dated 19.01.2005 passed in O.P. No.135 of 2001 by the I Addtiional District Judge, Medak at Sangareddy.

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

3. The brief facts of the case are that on 22.09.1999 at about 9.45 am., when the deceased T.Rajveer was going on his bicycle in order to go to school on hi correct side, when he was in front of the Veternity Hospital on National High Way No.9 at Patancheru, a Jeep bearing No.AP23 B 4341 coming from behind dashed him due to which he received severe injuries and later died while undergoing treatment. The Police registered a case in Cr.No.185 of 1999 under Section 304-A IPC against the driver of the Jeep. The claim of the claimants is that due to rash and negligent driving of the driver of the Jeep, said accident was occurred. Hence, they filed the claim petition claiming compensation for an amount of Rs.8,00,000/- against the respondents.

4. In the claim petition, the 1st respondent remained *ex parte*. The 2nd respondent filed separate 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 Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the crime vehicle and on the strength of the evidence of P.Ws.1 to 3 and Exs.A-1 to A-7 & Ex.B-1, the Tribunal awarded total compensation of Rs.4,55,650/- with proportionate costs and interest at 9% per annum i.e., Rs.1,45,652-40ps., towards loss of dependency of the claimants and Rs.5,000/- towards consortium and Rs.5,000/- towards loss of estate. Aggrieved by the said order, the appellant/2nd respondent/Insurance Company filed the present appeal.

5. Heard.

6. From a perusal of the impugned order reveals that the Tribunal passed a well considered order by taking into consideration all the aspects and as against the claim of Rs.8,00,000/-, the Tribunal awarded an amount of Rs.4,55,650/- with proportionate costs and interest at 9% per annum. Hence, this Court finds that the compensation

awarded by the Tribunal is just and reasonable. Therefore, I see no reason to interfere with the quantum of compensation awarded by the Tribunal and the appeal is liable to be dismissed.

7. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed confirming the quantum of compensation awarded by the Tribunal. However, with regard to the interest, 9% is reduced to 7.5%. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand dismissed.

T.AMARNATH GOUD, J

Date: 29.11.2019
LSK

