

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.2745 OF 2019

JUDGMENT:

This appeal is preferred by the appellant/petitioner/claimant questioning the order of the III Additional Chief Judge, City Civil Court, Hyderabad (for short, the Court below) in O.P.No.1604 of 2005 dated 13.03.2008.

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 minor petitioner met with road accident on 17.08.2004 while he was crossing the road, the insured vehicle, a tanker bearing No.AP 05U 5896 driven in a rash and negligent manner hit him. He sustained fractures and deformity of leg and became disabled and therefore, the petitioner filed the claim petition claiming compensation of Rs.5,00,000/-.

4. In the claim petition, the 2nd respondent resisted the claim petition contending that the amount claimed by the claimant is highly excessive and that they are not liable to pay any compensation and therefore prayed to dismiss the claim petition.

5. After considering the oral evidence of P.Ws.1 & 2 and documentary evidence of Exs.A-1 to A-8, Ex.B-1 & Ex.X-1, 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.2,86,496/- and rounded off the same to Rs.2,86,500/-, i.e., Rs.20,000/- towards degloving injury, Rs.30,000/- towards fracture, Rs.10,000/- towards pain & suffering, Rs.1,00,000/- towards disability, Rs.1,21,496/- towards hospital bills and Rs.5,000/- towards nutritious food, transport and assistance, with interest @ 7.5% per annum from the date of petition till the date of deposit, payable by both the respondents. Aggrieved by the said order, the appellant/petitioner/claimant filed the present appeal.

6. Heard Sri M.Ramalingeswara Reddy, learned counsel for the appellant and Sri P.Harinath Gupta, learned standing counsel for the 2nd respondent/insurance company.

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.5,00,000/-, the Court below awarded an amount of Rs.2,86,500/- with proportionate costs and interest @ 7.5% per annum from the date of petition till the date of deposit. 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: 5th November, 2019

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