

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. Nos. 2220 and 2221 of 2005

COMMON JUDGMENT:

Since both these appeals arise out of the same accident and the appellant is also one and the same, these appeals are being disposed of by this common judgment.

2. M.A.C.M.A.No.2220 of 2005 is filed by the appellant/insurer questioning the order passed in O.P.No.56 of 2001, dated 29-04-2005 and M.A.C.M.A.No.2221 of 2005 is filed by the appellant/insurer questioning the order passed in O.P.No.58 of 2001, dated 29-04-2005 of the Motor Accident Claims Tribunal-cum- II Additional District Judge, Khammam (for short, the Tribunal).

3. Brief facts of the cases are that on 01-07-1999 when the claimant in O.P.No.56 of 2001 and the deceased in O.P.No.58 of 2001 were traveling in the cabin of a lorry bearing No.ATS 2777 from Khammam, as coolies, along with their articles, to go to Kallur village to do work there, the driver of the lorry drove it at high speed in rash and negligent manner and turned, due to which, the lorry turned turtle towards left side and they have sustained fractures of both legs, crush injuries over the legs and other injuries all over the body. Hence, the claim petitions.

4. In the claim petitions, the appellant-insurer filed a counter denying the allegations and contended that the amount claimed by the claimant 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 held that the accident occurred due to the rash and negligent manner of the driver of the crime vehicle and accordingly granted compensation of Rs.45,400/- in O.P.No.56 of 2001 and Rs.2.00 lakhs in O.P.No.58 of 2001. Aggrieved by the same, the insurance company filed these appeals.

6. Heard.

7. It is the case of the claimants that they are traveling in the lorry which is a goods vehicle along with their goods. The Tribunal based on the evidence and material available on record and following the Apex Court's judgment in **National Insurance Co. Ltd v. Baljit Kaur**¹, awarded compensation in favour of the claimants and directed the respondents therein including the appellant/insurer to pay the said compensation jointly and severally.

8. Therefore, in my considered view, the Tribunal has rightly awarded the compensation by appreciating the oral and documentary evidence. Hence, there is no necessity for this Court to

¹ (2004) 2 S.C.C. 1

interfere with the orders passed by the Tribunal as there is no illegality or irregularity in the impugned orders.

9. Accordingly, both the appeals are dismissed confirming the impugned orders of the Tribunal. No costs.

10. Miscellaneous petitions pending, if any, shall stand dismissed. No order as to costs.

T.AMARNATH GOUD, J

Date: 26-09-2019

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