

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. NO.211 OF 2013

JUDGMENT:

This appeal is preferred by the appellant/Insurance Company questioning the Award of the Motor Accidents Claims Tribunal-cum-V Additional District Judge (FTC) Khammam at Kothagudem (for short, the Tribunal) in M.A.T.O.P.No.965 of 2011, dated 04.10.2012.

2. The brief facts of the case are that respondent No.1 is the claimant and respondent No.2 is the owner of Tata Majic Auto bearing No.AP 20 TV 0359. On 22.10.2010 at about 17.30 hours, when the claimant and one K. Uday were proceeding on the Motor Cycle bearing No.AP 20 L 3201 and when they reached outskirts of Bomanapalli village, the driver of the Tata Magic vehicle bearing No.AP 29 TV 0359 driven it in a rash and negligent manner and dashed their motor cycle, as a result of which, he fell on the road and sustained injuries. Respondent No.1 herein filed the aforesaid MVOP against the owner of the auto (respondent No.2 herein) and the insurer of the auto (appellant herein), claiming compensation of Rs.2,00,000/- for the injuries sustained by him in the said accident.

3. Before the Tribunal, owner of the auto, remained *ex parte*. The appellant-Insurance Company 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.

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 and awarded total compensation of Rs.1,60,000/- under various heads, with interest at the rate of 7.5% 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.

T.AMARNATH GOUD, J

21st August 2019

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