

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.2322 of 2006

JUDGMENT:

This appeal is preferred by the appellant/insurer questioning the order of the M.A.C.T.-cum-II Additional District Judge, Nalgonda (for short, the Tribunal) in O.P.No.316 of 2004 dated 20-07-2005.

2. Brief facts of the case are that the claimant filed the claim petition against the respondents claiming compensation for the injuries sustained by him in the accident occurred on 13-09-2003 due to the rash and negligent driving of the driver of the lorry bearing No.AHH 3747, when he is proceeding in an auto, at Gandhinagar outskirts.

3. In the claim petition, 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.

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 crime vehicle and awarded total compensation of Rs.37,000/- under various heads, with interest at the rate of 9% per annum. Aggrieved by the said order, the appellant/insurer filed the present appeal.

5. Heard.

6. As seen from the case on hand, the appellant-insurer has not made out its case for reducing the compensation since there is no evidence on record either oral or documentary in support of its contention. Further, on perusal of the impugned order passed by the Tribunal, it is clear that the Tribunal after appreciating the oral and documentary evidence came to the conclusion and rightly granted compensation. I find no illegality or irregularity in the order passed by the Tribunal and therefore the order does not warrant any interference by this Court.

7. Accordingly, the appeal is dismissed. However, as the Tribunal granted rate of interest @ 9% p.a., since it is excessive, the same is reduced to 7.5% p.a. No costs.

8. Miscellaneous petitions pending, if any, shall stand dismissed.

T.AMARNATH GOUD, J

Date: 09-12-2019

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