

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. NO.2531 OF 2006

JUDGMENT:

This appeal is preferred by the appellant/Insurance Company questioning the Judgment of the Motor Accident Claims Tribunal-cum-V Additional District Judge (FTC), Ranga Reddy District (for short, the Tribunal) in O.P.No.1084 of 2001, dated 26.07.2006.

2. The brief facts of the case are that respondent No.2 is the wife, respondent Nos.3 and 4 are the daughters and respondent No.5 is the mother of the deceased, Bheema Narasimha. On 04.04.2001 at about 11.30 A.M., the deceased and other labourers loaded cement in the lorry bearing No.AP11T 836 and proceeding from Kukatpally towards Sainagar for unloading the cement, and when the lorry reached near Bharat Gas Godown, the driver of the said lorry drove the same in a rash and negligent manner, as a result of which, the deceased fell down on the road and the lorry ran over him and he died on the spot. Respondent Nos.2 to 5 herein filed the aforesaid MVOP against the owner of the lorry (respondent No.1 herein) and the insurer of the lorry (appellant herein), claiming compensation of Rs.3,00,000/- for the death of the deceased.

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

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 lorry and awarded total compensation of Rs.2,17,500/- under various heads, with interest at the rate of 7.5% per annum. Aggrieved by the said Judgment, the appellant/Insurance Company filed the present appeal.

5. Heard.

6. A perusal of the record reveals that the deceased was engaged as a labour for loading and unloading of cement. While traveling in the lorry, the deceased fell down and the lorry ran over him and he died on the spot. For the purpose of considering the accident, the deceased is treated as third party and the Act Policy clearly covers the risk of the deceased and hence, the insurance company is liable to pay the compensation to dependants of the deceased. Therefore, I am of the opinion that the Tribunal has passed a well reasoned order and there are no grounds to interfere with the same. 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

Date: 18.10.2019
TJMR