

THE HON'BLE SRI JUSTICE T. AMARNATH GOUD

C.M.A.No.1664 OF 2004

JUDGMENT:

This appeal is preferred by the appellant/petitioner/claimant questioning the order of the Chairman, Motor Accident Claims Tribunal-cum-III Additional District & Sessions Judge, Nizamabad (for short, the Tribunal) in O.P.No.807 of 1998 dated 27.11.2003.

2. The brief facts of the case are that on 01.06.1998 at 9.30 a.m., the appellant/claimant was traveling in the tractor bearing No.AP 25 D 9935 from Armoor to Makloor. When the tractor reached near Gutpa shivar, the driver of the tractor drove the vehicle in a rash and negligent manner and in a high speed due to which the tractor turned turtle and fell into a canal, due to which the appellant received injuries to left leg, fracture and simple injury on left palm, injury on head. At the time of accident, the appellant was aged about 32 years and he was earning Rs.6,000/- per month and on account of the accident, he sustained permanent disability and unable to attend his regular duties. Thus, he filed the petition claiming compensation of Rs.1,00,000/- along with interest at 24% per annum from the date of petition till the date of realization.

3. In the claim petition, the 1st respondent filed written statement denying the allegations and contended that his tractor was insured with respondent No.2, which was valid from 17.03.1998 to 10.03.1999, and therefore, in the event of any decree to be passed, the same may be passed against the 2nd respondent.

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 offending vehicle by its driver and awarded total compensation of Rs.25,000/- in all aspects with proportionate costs and with interest at the rate of 9% per annum against the 2nd respondent. Aggrieved by the said order, the appellant/petitioner/claimant filed the present appeal.

5. Heard.

6. A perusal of the record discloses that in support of his claim, the claimant has not examined the doctor, who has treated him and issued Ex.A2 injury certificate and Ex.A3 disability certificate, though he was treated in the Government Hospital, Nizamabad. The order passed by the Tribunal reveals that the Tribunal passed a well considered order by taking into consideration all the aspects, awarding compensation of Rs.25,000/- as against the claim of Rs.1,00,000/-, with proportionate costs and interest @ 9% per annum. Therefore, I see no reason to interfere with the order of the Tribunal and the appeal is liable to be dismissed.

7. Accordingly, the Civil Miscellaneous Appeal is dismissed.
No order as to costs.

Miscellaneous petitions, pending if any, shall stand dismissed.

T. AMARNATH GOUD, J

August 27, 2019
KTL