

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 1599 OF 2007

JUDGMENT:

This appeal is directed by the insurance company against the decree and order dated 07.12.2006 passed in O.P.No.1228 of 2003 by the Motor Accidents Claims Tribunal-cum-II Additional District Judge, FTC, Nizamabnad (for short 'the Tribunal'), whereby the tribunal awarded compensation of Rs.32,000/- with proportionate costs and interest @ 7.5% per annum from the date of petition till the date of realization on account of the accident occurred on 08.11.2002.

2. Before the tribunal, in order to prove the case of the claimant, PWs.1 and 2 were examined and marked Exs.A.1 to A.13 and Ex.B.1-insurance policy was marked, but no oral evidence was adduced on behalf of the respondents.

3. Learned standing counsel for the insurance company contended that the seating capacity of the vehicle is 5 +1 only, but 10 persons were traveling, which is gross violation of the policy conditions and that Ex.A.11 and A.12 – medical bills worth Rs.2,000/-, but the tribunal erred in granting Rs.30,000/- towards medical bills and hence, the same may be reduced and prayed to allow the appeal by setting aside OP.

4. Learned counsel appearing for the claimant contended that the award passed by the tribunal is well considered and needs no interference of this Court and hence, prayed to dismiss the appeal.

5. It is the case of injuries. On perusal of the entire material available on record and having regard to the facts and circumstances of the case, there is no reason as to why a sum of Rs.30,000/- was granted towards pain and suffering, as such, the same is reduced to Rs.10,000/-. Accordingly, a sum of Rs.10,000/- towards pain and suffering and Rs.2,000/- towards treatment was granted. Thus, the claimant is entitled for a sum of Rs.12,000/- with interest @ 7.5% per annum and hence, the appeal filed by the insurance company is liable to be allowed in part.

6. In view of the above, the appeal is allowed in part reducing the compensation from Rs.32,000/- to Rs.12,000/- with interest @ 7.5% per annum from the date of petition till the date of realization. There shall be no order as to costs.

Miscellaneous petitions if any, shall stand closed.

Date: 26-12-2019
kvrn

T.AMARNATH GOUD,J