

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.1086 OF 2008

JUDGMENT:

This appeal is preferred by the appellant/2nd respondent/insurance company questioning the order of the Additional Special Judge for SPE & ACB Cases-cum-V Additional Chief Judge, City Civil Court, Hyderabad (for short, the Court below) in O.P.No.1485 of 1996 dated 31.07.1998.

2. For the sake of convenience, the parties are hereinafter referred to as they were arrayed before the Court below in the original petition.

3. The brief facts of the case are that the petitioner is the wife of the deceased-Ramavath Padithya. On 03.11.1996 at about 10.00 a.m., the deceased and some others were sitting at the Kondamadugu Mett Bus stage on Hyderabad to Bhongir Road and then one lorry bearing No.ATK 455 came from Hyderabad side going towards Bhongir side being driven at high speed and in a rash and negligent manner and ran over the deceased and others, who were sitting by the side of the road and the deceased sustained injuries and then he was taken to Gandhi Hospital, Secunderabad immediately and while undergoing treatment, he succumbed to the injuries on 16.11.1996 at about 7.00 p.m. Prior to the accident, the deceased was doing labour work and used to earn a sum of Rs.3,000/- per month being aged 48 years. Hence, the

petitioner filed the claim petition claiming compensation of Rs.2,00,000/-, payable by both the respondents, being the owner and insurer of the offending vehicle.

4. In the claim petition, the respondents filed counters denying the allegations and contended that the amount claimed by the claimant is highly excessive and that they are not liable to pay any compensation and therefore prayed to dismiss the claim petition.

5. After considering the oral and documentary evidence on record, the Court below 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.1,08,500/- with interest @ 12% per annum from the date of petition till the date of realization, payable by both the respondents jointly and severally. Aggrieved by the said order, the appellant/2nd respondent/insurance company filed the present appeal.

6. Heard.

7. A perusal of the order reveals that the Court below passed a well considered order by taking into consideration all the aspects and as against the claim of Rs.2,00,000/-, the Court below awarded an amount of Rs.1,08,500/- with interest @ 12% per annum from the date of petition till the date of realization. Hence, this Court finds that the

compensation awarded by the Court below is just and reasonable. Therefore, I see no reason to interfere with the order of the Court below and the appeal is liable to be dismissed.

8. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed confirming the award and decree passed by the Court below in all respects, including the rate of interest. No order as to costs.

Miscellaneous petitions pending, if any, shall stand dismissed.

T.AMARNATH GOUD, J

Date: 30th December, 2019

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