

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.3932 OF 2008

JUDGMENT:

This appeal is preferred by the appellant/2nd respondent/insurance company questioning the order of the Motor Accident Claims Tribunal-cum-III Additional District and Sessions Judge, Gadwal (for short, the Tribunal) in O.P.No.208 of 2003 dated 27.10.2005.

2. For the sake of convenience, the parties are hereinafter referred to as they were arrayed in the O.P. before the Tribunal.

3. The brief facts of the case are that on 27.08.2000 the petitioner boarded the auto bearing No.AP 22T 6346 at Atmakur to go to his village Goodur. When the auto reached near Allipur Village sivar on the PWD road, the driver of the auto bearing No.AP 22T 7214 came in high speed, rash and negligent manner and dashed the auto, due to which the petitioner and other inmates traveling in the auto bearing No.AP 22T 6346 received injuries. Immediately they were shifted to Government Civil Hospital, Mahabubnagar, for treatment and the petitioner during the stay at hospital was fixed with steel rods. The petitioner/injured was hale and healthy, aged about 35 years, working as agriculturist and earning Rs.20,000/- per annum and contributing the same to his family members prior to the accident. Hence, the petitioner filed the present claim petition claiming a compensation of Rs.1,50,000/-, payable by respondents 1 & 2, who are owner and insurer of the offending auto bearing No.AP 22T 7214.

3. In the claim petition, the first respondent remained *ex parte* and the second respondent 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 offending auto bearing No.AP 22T 7214 and awarded total compensation of Rs.87,000/- with interest @ 7.5% per annum i.e., Rs.15,000/- towards grievous injury; Rs.15,000/- towards fracture to right leg; Rs.15,000/- towards another fracture at knee; Rs.2,000/- towards simple injuries, Rs.4,500/- towards medical bills, Rs.3,500/- towards removal of iron rods fixed into the legs of the appellant, and Rs.32,000/- towards loss of disability. Aggrieved by the said order, the appellant/2nd respondent/insurance company filed the present appeal.

5. Heard.

6. A perusal of the order reveals that the Tribunal passed a well considered order by taking into consideration all the aspects and as against the claim of Rs.1,50,000/-, the Tribunal awarded an amount of Rs.87,000/- with interest @ 7.5% per annum. Admittedly, the claimant has sustained the following injuries: 1. Fracture to right thigh, 2.Fracture to right leg, 3.Fracture to left knee, 4.Injury on the right knee, 5.Injury on the right leg and

6. Other injuries all over the body and he was admitted in Government hospital, Mahabubnagar and thereafter he was referred to Osmania General Hospital, Hyderabad, for treatment, wherein he underwent operation by inserting iron rods in the month of August, 2000 and later the rods were removed on 27.01.2003. Basing on the evidence of P.W.2, the doctor who treated the claimant, the compensation awarded by the Tribunal is just and reasonable. Therefore, I see no reason to interfere with the order of the Tribunal and the appeal is liable to be dismissed.

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

Miscellaneous petitions pending, if any, shall stand dismissed.

T.AMARNATH GOUD, J

Date: 29th July, 2019

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