

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.1575 OF 2011

JUDGMENT:

This appeal is preferred by the appellant/respondent/APSRTC questioning the order of the Chairman, Motor Accident Claims Tribunal-cum-V Additional District Judge, Nalgonda at Miryalguda (for short, the Tribunal) in O.P.No.892 of 2006 dated 30.03.2010.

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 16.02.2006 at 11.45 A.M., the petitioner/injured was proceeding on his bicycle with a gas bundle in Miryalaguda Town and when he reached T.V.S. show room, an APSRTC bus bearing No.AP 10Z 5560 came from his back side and its driver drove it in a rash and negligent manner at high speed and dashed the petitioner and as a result of which he sustained fractures and other grievous injuries. The petitioner/injured was earning Rs.5,000/- per month as an agriculturist and he is aged about 50 years at the time of accident. The petitioner/injured became permanently disabled person due to the fractures and other grievous injuries. Hence, the petitioner filed the present claim petition claiming a compensation of Rs.1,50,000/- payable by the respondent/insurance company.

4. In the claim petition, the respondent/insurance company filed a counter denying the allegations and contended that the amount claimed by the petitioner/injured is highly excessive and that it is 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 Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the APSRTC bus and awarded total compensation of Rs.1,50,000/- with interest @ 7.5% per annum. Aggrieved by the said order, the respondent/APSRTC filed the present appeal.

6. Heard.

7. 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.1,50,000/- with interest @ 7.5% per annum, as claimed by the petitioner/injured. However, it is pertinent to note that the respondent/insurance company has not chosen to examine and there was no oral or documentary evidence on behalf of the respondent/insurance company before the Tribunal and in the absence of any evidence, the respondent/insurance company cannot improve their case and hence, this Court finds that 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.

8. 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: 18th July, 2019

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