

**THE HON'BLE SRI JUSTICE T.AMARNATH GOUD**

**M.A.C.M.A.No.1556 OF 2006**

**JUDGMENT:**

This appeal is preferred by the appellants/claimants questioning the order of the Motor Accident Claims Tribunal (IV Additional District Judge) (FTC), Nizamabad (for short, the Tribunal) in O.P.No.2111 of 2002 dated 20.04.2006.

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

3. The brief facts of the case are that on 17.03.2002 the deceased, who was the brother of the petitioners, and others were travelling in a Trax Jeep bearing No.AP 1C 5051 from Balkonda to Nirmal and when they reached near Ayyappa Swamy Temple on N.H-7 road, Kadthal (V) Shivar at about 11.45 p.m., one lorry bearing No.AAT 3178 came from opposite direction at high speed in a rash and negligent manner and dashed against the jeep, due to which his brother received grievous multiple injuries all over the body. Immediately the injured was shifted to Government Civil Hospital, Nirmal, for treatment and from there he was shifted to Gandhi Hospital, Hyderabad, due to the injuries sustained by him in the accident and while undergoing treatment, the deceased died on 01.04.2002. The accident occurred due to rash and negligent driving of the driver of the lorry bearing No.AAT 3178. Hence,

the petitioners filed the claim petition claiming compensation of Rs.3,00,000/-, payable by both the respondents.

4. In the claim petition, the 1<sup>st</sup> respondent remained *ex parte*. The 2<sup>nd</sup> respondent/insurance company filed its written statement denying the allegations and contended that the amount claimed by the claimants 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 Trax Jeep and awarded total compensation of Rs.1,20,000/- with interest @ 7.5% per annum i.e., Rs.50,000/- towards no fault liability, Rs.30,000/- towards medical expenses, Rs.20,000/- towards transportation and extra nourishment, Rs.2,000/- towards cremation charges and Rs.18,000/- towards loss of love and affection. Aggrieved by the said order, the appellants/claimants 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.3,00,000/-, the Tribunal awarded an amount of Rs.1,20,000/- with proportionate costs and interest @ 7.5% per annum. The Tribunal has well considered

the medical expenses, transportation and extra nourishment, cremation charges and loss of love and affection and accordingly awarded the said amount. 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: 28<sup>th</sup> October, 2019

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