

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

C.M.A. No.676 of 2004

JUDGMENT:

This appeal is preferred by the appellant/insurer questioning the order of the Motor Accident Claims Tribunal-cum-District Judge, Nizamabad (for short, the Tribunal) in O.P.No.338 of 1999 dated 10-07-2003.

2. Brief facts of the case are that on 09-05-1999, while the deceased - Dayanand was traveling in a jeep bearing No.AP 25/E-9192 from Hyderabad towards Nagpur, at about 3.40 am, when he reached CSI Church, Kamareddy, the driver of the said jeep drove the same in a rash and negligent manner and dashed against the lorry coming in opposite direction, due to which, he sustained multiple fractures and injuries to all over the body and while shifting him to hospital, he died on the way. Hence, the claimants, who are the parents of the deceased, filed the O.P. seeking compensation of Rs.3,00,000/- for the death of their son in the said accident against the 3rd respondent and appellant, who are the owner and insurer of the crime vehicle.

3. In the claim petition, the appellant-insurer filed a counter 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.

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 jeep in which the deceased was travelling and awarded total compensation of Rs.50,000/- with interest at the rate of 9% per annum. Aggrieved by the said order, the appellant/insurer filed the present appeal.

5. Heard.

6. Sri A.V.K.S.Prasad, learned Standing Counsel for the appellant/insurer contends that the trial Court erred in not appreciating the evidence adduced by the appellant/insurer and no one has named the number of the lorry and therefore the order passed by the Tribunal is erroneous in fastening the liability to the effect of treating the case under 'no fault liability'. Hence, the appeal may be dismissed.

7. On perusal of the impugned order passed by the Tribunal, I am of the opinion that the trial Court, after appreciating the oral and documentary evidence, passed a reasoned order. Further, this Court gave an ample opportunity to both the parties by referring the matter to National Lok Adalat on several occasions but as there was no settlement between both the parties, finally, today the matter is heard. Moreover, the date of award is 10-07-2003 and the appeal is filed in July 2004 and since then there is no stay granted in favour of appellant/insurer.

8. Therefore, in the facts and circumstances of the case, this Court feels that the order passed by the Tribunal is well considered and needs no interference.

9. Accordingly, the appeal is dismissed. No costs.

10. Miscellaneous petitions pending, if any, shall stand dismissed. No order as to costs.

T.AMARNATH GOUD, J

Date: 25-10-2019

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