

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 1881 OF 2006

JUDGMENT:

This appeal is directed by the insurance company against the award dated 25.03.2006 passed by the Motor Accidents Claims Tribunal-cum-VI Additional District Judge, (IIIFTC), Warangal at Mahabubabad (for short 'the Tribunal), in M.V.O.P.No.390 of 2005, whereby the tribunal allowed the appeal granting compensation of Rs.1,55,700/-, on account of the accident occurred on 14.12.2003, when the petitioner boarded the auto bearing No.AP 36 V 6407 to go to Narsampet from Vepachettu thanda Village, and when the auto reached near Mangavaripet Bus Stand, the driver of the auto drove it in a rash and negligent manner with high speed, dashed against one Gatti Prem Kumar, for which auto turned turtle, and that the petitioner, other occupants of the auto and Gatti Prem Kumar sustained injuries and while undergoing treatment in MGM Hospital, the said Gatti Prem Kumar died on the same day, as against the claim of Rs.1,00,000/-.

2. For the sake of convenience, the parties herein are referred to as arrayed in the tribunal.

3. Respondent No.1 remained exparte. Respondent No.2 filed counter denying the claim petition.

4. In order to prove the case of the claimants, PWs.1 to 3 were examined and marked Exs.A.1 to A.7 and Ex.C.1 on behalf of the claimants. No oral or documentary evidence is adduced on behalf of the respondents.

5. Learned standing counsel for the appellant contended that the compensation granted by the tribunal is on higher side without any proper evidence and hence, prayed to award only just and reasonable compensation by taking the things as on the date of accident.

6. Learned counsel appearing for the claimants contended that the award passed by the tribunal is well considered and needs no interference of this Court and hence, prayed to dismiss the appeal.

7. It is a case of amputation of right middle finger and stiffness of right wrist and the said disability is assessed by the medical board at 30%, which is just and proper. On perusal of the entire material available on record and having regard to the facts and circumstances of the case, the order passed by the tribunal is well considered and needs no interference of this Court. Accordingly, the appeal filed by the insurance company is liable to be dismissed.

8. In view of the above, the appeal is dismissed confirming the award dated 25.03.2006 passed in MVOP No.390 of 2005 by the Motor Accidents Claims Tribunal-cum-VI Additional District Judge, (IIIFTC), Warangal at Mahabubabad. There shall be no order as to costs.

Miscellaneous petitions if any, shall stand closed.

Date: 17-10-2019
kvrn

T.AMARNATH GOUD,J

