

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. NO.1712 OF 2005

JUDGMENT:

This appeal is preferred by the appellant/Insurance Company questioning the Award of the III Additional District & Sessions Judge (Fast Track Court) at Medak (for short, trial Court) in M.V.O.P.No.511 of 2000, dated 12.04.2005.

2. The brief facts of the case are that respondent No.1 is the wife, respondent No.2 is the minor son and respondent No.3 is the mother of the deceased, Duggeni Chinna Durgaiah. On 22.12.1999 at about 9.30 A.M., while the deceased as per the directions of the owner of the tractor bearing No.AP23T 5249 going to the fields to fix the ploughing tools to the tractor by sitting on one side of the tractor, and when the tractor reached Ausupally village shivar, the driver of the tractor drove the same in a rash and negligent manner and took the tractor to a heap of earth, due to which, the tractor turned turtle. As a result of which, the deceased fell down from the tractor and received grievous injuries all over the body and become unconscious. Immediately, he was shifted to Gandhi Hospital, Secunderabad and the deceased succumbed to the injuries while undergoing treatment. Respondent Nos.1 to 3 herein filed the aforesaid MVOP against the owner of the tractor (respondent No.4 herein) and the insurer (appellant herein), claiming compensation of Rs.2,00,000/- for the death of the deceased.

3. Before the trial Court, the respondents filed their separate counters denying the allegations and contended that the amount

claimed by the claimants is highly excessive and that they are not liable to pay any compensation and prayed to dismiss the claim petition.

4. After considering the oral and documentary evidence on record, the trial Court came to the conclusion that the accident occurred due to the rash and negligent driving of the tractor and awarded total compensation of Rs.2,00,000/- under various heads, with interest at the rate of 9% per annum. Aggrieved by the said order, the appellant/Insurance Company filed the present appeal.

5. Heard.

6. On the strength of the evidence of P.W.2, the trial Court came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the tractor, leading to the death of the deceased. The appellant-insurance company has not led any oral or documentary evidence before the trial Court to rebut the same. There are no grounds to interfere with the order of the trial Court and hence, the appeal is liable to be dismissed.

7. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed. Miscellaneous petitions pending, if any, shall stand dismissed. No order as to costs.

T.AMARNATH GOUD, J

Date: 28-08-2019
TJMR