

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. Nos.398 & 676 of 2006

COMMON JUDGMENT:

Since the issue arisen in both these appeals is one and the same, both these appeals are disposed of by this common order.

2. Brief facts of the case are that the claimants who are the legal heirs of the deceased filed O.P.No.663 of 2004 against the driver, owner and insurer of the crime vehicle claiming compensation of Rs.10.00 lakhs for the death of the deceased in the accident occurred on 16-07-2004 due to the rash and negligent driving of the driver of the auto bearing No.AP 15 W 3764, driven by its driver and dashed against the stationed lorry bearing No.ADT 1145, while the deceased was traveling in the said auto from Gangadhara Cross Roads towards Karimnagar.

3. In the claim petition, the respondents filed 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 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 rash and negligent driving of the driver of the crime vehicle and accordingly granted an amount of Rs.4,88,195/- towards compensation.

5. Aggrieved by the order of the Tribunal, the claimants filed MACMA No.398 of 2006 to enhance the quantum of compensation and the insurance company filed MACMA No.676 of 2006 to set aside the award passed by the Tribunal.

6. Heard and perused the material available on record.

7. As seen from the cases on hand, the claimants and the insurer have not made out their cases for considering enhancement of compensation or setting aside the order of the Tribunal since there is no evidence on record either oral or documentary in support of their contentions. Further, on perusal of the impugned order passed by the Tribunal, it is clear that the Tribunal after appreciating the oral and documentary evidence came to the conclusion and rightly granted compensation. I find no illegality or irregularity in the order passed by the Tribunal and therefore the order does not warrant any interference by this Court and accordingly, the appeals are liable to be dismissed.

8. Accordingly, both the Appeals are dismissed. No costs.

9. Miscellaneous petitions pending, if any, shall stand dismissed.

T.AMARNATH GOUD, J

Date: 12-11-2019

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