

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.996 OF 2006

JUDGMENT:

This appeal is preferred by the appellant/2nd respondent/insurance company questioning the order of the Chairman, Motor Vehicles Accidents Claims Tribunal-cum-The Principal District Judge, Medak, at Sangareddy (for short, the Tribunal) in O.P.No.533 of 2001 dated 22.02.2005.

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 the 1st petitioner is the wife and the 2nd petitioner is the mother of the deceased-Syed Mastan Ali Shah. On 27.04.2001 at 8.00 a.m., the deceased and others were going in a Tractor bearing No.AP-23/T-6464 and Trailer bearing No.AHB-3260 from Ranjole to Zaheerabad, when its driver all of a sudden started it, the deceased fell down from the trailer and the rear wheel of trailer ran over him, causing serious injuries and on the way to Hospital, he succumbed to the injuries. The deceased, who was aged about 22 years was doing tailoring and labour work and earning Rs.5,000/- per month, which he was contributing to the petitioners. Hence, the petitioners claimed compensation of Rs.2,00,000/- payable by both the respondents, who are owner and insurer of the crime vehicle.

4. In the claim petition, the 1st respondent remained *ex parte*. The 2nd respondent 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.

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 crime vehicle and awarded total compensation of Rs.1,93,200/- with interest @ 9% per annum i.e., Rs.1,63,200/- towards loss of earnings, Rs.15,000/- towards loss of consortium & Rs.15,000/- towards loss of estate. Aggrieved by the said order, the appellant/2nd respondent/insurance company 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.2,00,000/-, the Tribunal awarded an amount of Rs.1,93,200/- with interest @ 9% per annum. Hence, this Court finds that the compensation awarded by the Tribunal is just and reasonable. 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: 22nd October, 2019

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