

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 1813 OF 2006

JUDGMENT:

This appeal is directed by the insurance company against the decree and order dated 31.08.2004 passed by the XIII Additional Chief Judge, (FTC), City Civil Court, Hyderabad (for short 'the Tribunal), in O.P.No.1555 of 2002, whereby the tribunal awarded compensation of Rs.1,68,000/- on account of the accident occurred on 23.04.2001 at about 07.30 p.m. the deceased Pasuladi Raju was proceeding on scooter bearing No. A.P. 13 B 6029 from Chevella to Moinabad, on reaching the outskirts of Surangal Village near Family Daba on Hyderabad-Chevella Road, lorry bearing No. AP 11 W 2796 came in opposite direction with rash and negligent manner, dashed the scooter of the deceased, for which the deceased received grievous multiple injuries all over the body, immediately, he was shifted to Osmania General Hospital, Hyderabad and admitted as in-patient and that on 2.04.2001 during treatment, the deceased died, as against the claim of Rs.2,00,000/-.

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 resisted the claim of the claimants denying the accident.

4. In order to prove the case of the claimants, PWs.1 to 4 2 were examined and marked Exs.A.1 to A.6 on behalf of the claimants and Ex.B.1 - copy of insurance policy was marked. No oral evidence is adduced on behalf of the respondents.

5. Learned standing counsel for the appellant contended that in the absence of proof of income and proper evidence, the compensation awarded by the tribunal is excessive and that the deceased himself dashed against the lorry and hence, prayed in allow the appeal by setting aside OP and also contended that the rate of interest may be reduced to 7.5% per annum

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. In view of the present law laid down by the Apex Court, if the same is considered under different heads, the claimants would be entitled for more amounts. Since this is an appeal preferred by the insurance company this Court cannot go into the other issues as the claimants have not filed any appeal or x objections. 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. However, the rate of interest granted by the tribunal is reduced to 7.5% per annum and 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 decree and order dated 31.08.2004 passed in O.P.No.1555 of 2002 by the XIII Additional Chief Judge, (FTC), City Civil Court, Hyderabad. There shall be no order as to costs.

Miscellaneous petitions if any, shall stand closed.

T.AMARNATH GOUD,J

Date: 17-10-2019
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