

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 1278 OF 2006

JUDGMENT:

This appeal is directed by the insurance company against the order and decree dated 25.01.2006 passed in O.P.No.664 of 1998 by the Motor Accidents Claims Tribunal-cum-III Additional Sessions Judge, FTC, Mahabubnagar, Gadwal (for short 'the Tribunal) awarding compensation of Rs.1,50,000/- with proportionate costs and interest at 7.5% per annum from the date of petition till the date of realization and making respondent No.1 alone was liable to pay the compensation, as against the claim of Rs.1,50,000/- on account of the accident occurred on 13.03.1998 while the deceased Basha @ Sadiq Ali was proceeding in the jeep bearing No. AP 22 C 1122 and when the said jeep was between Sheshampalli and Tatikunta Village at about 7.30 PM, the driver of the jeep drove it in high speed in rash and negligent manner, for which the jeep turned left side and the deceased fell down from the jeep, sustained severe bleeding injuries and while undergoing treatment in Government Hospital, Kurnool, he succumbed to injuries.

2. Before the tribunal, in order to prove the case of the claimants, PWs.1 and 2 were examined and marked Exs.A1 to

A.4. On behalf of the respondents, RW.1 was examined and marked Ex.B.1 – insurance copy.

3. Learned standing counsel for the insurance company submitted that the tribunal ought to have seen that there is violation of not only the terms and conditions of the policy, but also the provision of the M V Act, Rules made thereunder and the permit and that 30 persons were traveling in the jeep over and above its carrying capacity and that the cleaner is not covered under the policy in question as no additional premium was paid and hence, prayed to allow the appeal.

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

5. There was no dispute with regard to the manner of accident and involvement of the crime vehicle. While granting compensation, the tribunal directed the insurance company to deposit the compensation, if the 1st respondent fails to deposit the same and recover the same from him, as the policy is in force as on the date of accident. Having regard to the facts and circumstance of the case, the order passed by the tribunal is well considered and needs no interference of

this Court and accordingly, the appeal is liable to be dismissed.

6. In view of the above, the appeal filed by the insurance company is dismissed confirming the order and decree dated 25.01.2006 passed in O.P.No.664 of 1998 by the Motor Accidents Claims Tribunal-cum-III Additional Sessions Judge, FTC, Mahabubnagar, Gadwal. There shall be no order as to costs.

Miscellaneous petitions if any, shall stand closed.

Date: 20-11-2019
kvrn

T.AMARNATH GOUD,J

