

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. NO.887 OF 2009

JUDGMENT:

This appeal is preferred by the appellant-Insurance Company questioning the order of the Motor Accident Claims Tribunal (District Judge) at Khammam (for short, the Tribunal) in M.V.O.P.No.1426 of 2005, dated 11.01.2008.

2. The brief facts of the case are that on 23.04.2004, while the deceased, who is the husband of 1st respondent, father of respondents 2 and 3 and the son of the 4th respondent, and the 3rd respondent were travelling in an Auto bearing No.AP-20-V-7331 in order to go to Kodada, and when the Auto reached near F.C.I. Godowns at the outskirts of Shantinagar, the driver of the Auto drove the Auto in a rash and negligent manner and at high speed and dashed against the stationed lorry bearing No.AP-16-T-846. As a result of which, the deceased sustained grievous injuries. The deceased took treatment in various hospitals. While undergoing treatment, the deceased succumbed to injuries on 22.04.2005 at Gandhi Hospital, Hyderabad. Therefore, respondents 1 to 4 filed the said MVOP seeking compensation of Rs.5,00,000/-.

3. In the claim petition, the appellant-RTC 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.

4. 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 Auto and awarded total compensation of Rs.3,86,000/- under various heads, with interest at the

rate of 7.5% per annum. Aggrieved by the said order, the appellant filed the present appeal.

5. Heard.

6. A perusal of the order reveals that the Tribunal passed a well considered order by taking into consideration all the aspects. Therefore, I see no reason to interfere with the order of the Tribunal and 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.

Date: 18-06-2019
Prv

T. AMARNATH GOUD, J

