

**THE HON'BLE SRI JUSTICE T.AMARNATH GOUD**

**M.A.C.M.A. No.2217 of 2006**

**JUDGMENT:**

This appeal is preferred by the appellant/insurer questioning the order of the Motor Accident Claims Tribunal-cum-I Additional District Judge, Ranga Reddy District at L.B.Nagar (for short, the Tribunal) in O.P.No.118 of 2001 dated 14-10-2003.

2. Brief facts of the case are that on 24-09-2000 while the deceased Mohd. Azam along with pillion rider was proceeding on his scooter bearing No.APR 9960 to Sadasivapet from Hyderabad and when they reached SOL factory gate, a lorry bearing Regn. No.AP 18 U 1938 came in opposite direction, driven in a rash and negligent manner at a high speed, and dashed against the scooter of the deceased, resulting which, the deceased fallen on the ground and died on the spot. The claimants who are wife, daughter, and parents of the deceased, filed the claim petition against the appellant and 5<sup>th</sup> respondent, who are the insurer and owner of the crime vehicle, claiming compensation of Rs.4.00 lakhs for the death of the deceased on the ground that he was earning Rs.5,000/- per month by doing profession as 'plumber'.

3. In the claim petition, the appellant-insurer 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 lorry and awarded total compensation of Rs.4.00 lakhs under various heads, with interest at the rate of 9% per annum, payable by the appellant and the 5<sup>th</sup> respondent jointly and severally. Aggrieved by the said order, the appellant/insurer filed the present appeal.

5. Sri V.Sambasiva Rao, learned Standing Counsel appearing for the appellant contends that the Tribunal ought to have held that the accident occurred due to the driving of the deceased along with two others and as the two wheeler is not meant for three persons, contributory negligence arises on the part of both the drivers. Hence, he prayed to allow the appeal.

6. There is no force in the contention of the learned counsel for the appellant since the Court cannot come to the conclusion that the accident occurred only due to the triple riding of the scooter by the deceased. Further there is no evidence at all to prove that the accident occurred to the said fact. Hence, I do not find any merit in the appeal and that the order passed by the tribunal is well considered and this Court does not warrant any interference in the order passed by the Tribunal. Therefore, the appeal is liable to be dismissed.

7. Accordingly, the Appeal is dismissed. No costs.

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

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**T.AMARNATH GOUD, J**

Date: 30-10-2019

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