

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No. 1758 of 2009

JUDGMENT:

This appeal is directed against the Judgment and decree dated 16.01.2009 passed by the Special Judge for trial of offences under SCs & STs (POA) Act-cum-VI Additional Metropolitan Sessions Judge-cum-Motor Accidents Claims Tribunal-cum-XX Additional Chief Judge, Secunderabad (for short 'the Tribunal), in O.P.No.89 of 2006 whereby the Tribunal awarded compensation of Rs.2,58,000/- together with interest from the date of petition till the date of realization against the claim of Rs.4,65,000/- on account of the death of B.R.Laxman Rao S/o late B.R.Sathyanarayana in a road traffic accident that occurred on 06.12.2005, due to the rash and negligent driving by the driver of lorry bearing No.AP 28 T 6474 dashed a bullock cart near Kulabgur Village outskirts at about 06.00 AM along with other inmates in the auto, and accordingly apportioned the compensation among both the respondents.

For the sake of convenience, the parties to this appeal will hereinafter be referred as they are arrayed before the Tribunal.

Now in this appeal, it is the contention of the learned Counsel for insurer i.e. The New India Assurance Company Limited that the compensation granted by the Tribunal is on higher side and excessive.

In order to award the compensation, the Tribunal framed the following issues:

- 1) Whether the accident occurred owing to the rash and negligent driving of the lorry bearing No. AP 28 T 6474?

- 2) Whether the petitioners are entitled to any compensation and if so to what amount and against whom? And
- 3) To what relief?

With regard to the issues framed, the Tribunal examined PWs.1 to 3, marked Exs.A1 to A8 and Ex.B.1-policy and opined that the accident occurred due to rash and negligent driving of the driver of the lorry. It is not in dispute that the driver of the crime vehicle having valid driving license and that the insurance policy of the said vehicle is in force at the time of accident. As such the contention of the learned counsel for the appellant – insurance company cannot be countenanced and the appeal is liable to be dismissed.

Accordingly the appeal is dismissed, confirming the Judgment and decree dated 16.01.2009 passed by the Special Judge for trial of offences under SCs & STs (POA) Act-cum-VI Additional Metropolitan Sessions Judge-cum-Motor Accidents Claims Tribunal-cum-XX Additional Chief Judge, Secunderabad, in O.P.No.89 of 2006. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this appeal shall stand closed.

16.07.2019
kvrn

T. AMARNATH GOUD, J