

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

C.M.A.No.205 OF 2003

JUDGMENT:

This appeal is preferred by the appellant/2nd respondent/insurance company questioning the order of the Motor Accidents Claims Tribunal (District Judge), at Nizamabad (for short, the Tribunal) in O.P.No.389 of 1996 dated 24.04.2002.

2. For the sake of convenience, the parties are hereinafter referred to as they were arrayed before the Tribunal in the original petition.

3. The brief facts of the case are that on 05.03.1996 at about 9.15 p.m., while the petitioner was going on cycle and when he reached in front of New Guest House, Armoor, on Armoor to Perkit Road, at the same time a scooter bearing No.AP25/B 7492 driven by its driver in rash and negligent manner at a high speed came from opposite direction and on wrong side of the road, dashed against the petitioner's cycle, due to which the petitioner fell down and the front wheel of the scooter ran over the petitioner, resulting which the petitioner received left leg fracture, intracapsular fracture, neck femur left, both the hands injured, right leg injured, head injured and other parts of the body also received injuries, later he was admitted at Government Hospital, Armoor, and thereafter, he was referred to Government Head

Quarters Hospital, Nizamabad, where he was treated and his left leg and other parts of the body operated. As on the date of the accident, the petitioner was aged about 45 years, and was working as Gangman in Panchayat Raj, P.W.D. Department, Armoor and earning Rs.4,000/- per month and that on account of accidental injuries, he incurred permanent disability and he is unable to walk and work, thereby he is entitled to compensation of Rs.2,00,000/- and the respondents 1 & 2, owner and insurer of the scooter bearing No.AP 25/B 7492, are jointly and severally liable to pay the same with costs and interest @ 24% per annum from the date of petition till the date of realization.

4. In the claim petition, the 1st respondent remained *ex parte*. The 2nd respondent filed a counter denying the allegations and contended that the amount claimed by the claimant is highly excessive and that it is not liable to pay any compensation and therefore prayed to dismiss the claim petition.

5. 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 crime vehicle and on the strength of the evidence of P.Ws.1 & 2 and Exs.A-1 to A-6, Ex.B-1 & Exs.C-1 & C-2, the Tribunal awarded total compensation of Rs.1,60,000/- with interest @ 9% per annum i.e., Rs.1,00,000/- towards loss of

disability, Rs.25,000/- towards pain and suffering, Rs.10,000/- towards inevitable expenditure for medicines, transport & extra nourishment & Rs.25,000/- towards loss of amenities & social disability. Aggrieved by the said order, the appellant/2nd respondent/insurance company 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 and as against the claim of Rs.2,00,000/-, the Tribunal awarded an amount of Rs.1,60,000/- with interest @ 9% per annum. Hence, this Court finds that the compensation awarded by the Tribunal is just and reasonable. 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. No order as to costs.

Miscellaneous petitions pending, if any, shall stand dismissed.

T.AMARNATH GOUD, J

Date: 23rd October, 2019

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