

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 2802 OF 2006

JUDGMENT:

This appeal is directed by the Insurance Company against the order and decree dated 23.06.2006 passed in O.P.No.92 of 2004 by the Motor Accidents Claims Tribunal-cum-I Additional Chief Judge, City Civil Court, Secunderabad (for short 'the Tribunal') awarding compensation of Rs.27,12,000/- with proportionate costs and interest at 7.5% per annum from the date of petition till the date of realization, as against the claim of Rs.30,00,000/- on account of the accident occurred on 21.03.2004 at about 12.30 hours, while the deceased was proceeding on his motor cycle bearing No.CTT 5131 from Bhavani Colony, Neredmet towards Secunderabad on the extreme left side of the road, when he reached the flyover bridge at Ramakrishnapuram, lorry bearing No.AP 16 U 9248 came in a rash and negligent manner with high speed from opposite direction and dashed the deceased, for which the deceased sustained multiple injuries and succumbed to injuries on the spot.

2. After examining PWs.1 to 3 and marking Exs.A.1 to A.22 on behalf of the claimants and marking Ex.B.1 – certified copy of policy and as no oral evidence on behalf of the insurance company, the tribunal awarded compensation of Rs.23,12,000/- with proportionate costs and interest @ 7.5% per annum and directed the respondents to pay the compensation amount.

3. Learned standing counsel for the insurance company submitted that the compensation granted by the tribunal is on higher side and without any basis and that there is contributory negligence and hence, prayed to allow the appeal by setting aside the order passed by the tribunal.

4. Learned counsel for claimants submitted that the order passed by the tribunal is well considered and needs no interference of this Court and that in view of changed legal position the gross salary of the deceased has taken into consideration and that there is no contributory negligence and hence, the award passed by the tribunal is just and proper and prayed to dismiss the appeal.

5. There was no dispute with regard to the manner of accident and involvement of the crime vehicle. A perusal of the material available on record and having regard to the facts and circumstances of the case, the award passed by the tribunal is well considered in all aspects and needs no interference of this Court and that there is no evidence with regard to the contributory negligence and hence, the appeal is liable to be dismissed.

6. In view of the above, the appeal is dismissed. There shall be no order as to costs.

Miscellaneous petitions if any, shall stand closed.

T.AMARNATH GOUD,J

Date: 27-11-2019
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