

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.1488 OF 2006

JUDGMENT:

This appeal is preferred by the appellant/petitioner aggrieved by the order, dated 07.02.2006, passed in O.P.No.683 of 2004 by the Chairman, Motor Accidents Claims Tribunal-cum-V Additional District Judge, Nalgonda at Miryalguda (for short, 'the Tribunal').

2. The facts of the case, in brief, are that on 03.04.2014 at about 10:00 AM., the appellant boarded an auto bearing No.AP-24-U-4921 in order to go to Miryalguda Town from Peddadevulapally village and when the said auto reached the outskirts of Peddadevulapally Village, the driver of the said auto drove the same in a rash and negligent manner, as a result of which, the auto turned turtle. Due to which, the appellant/petitioner fell down from the auto and sustained fracture of lower third junction of left leg (both bones). The accident had occurred due to rash and negligent driving of driver of the said auto. A case in Crime No.25 of 2004 under Section 307 I.P.C. was registered against the driver of the auto. Prior to the accident, the appellant was hale and healthy and used to earn Rs.8,000/- per month by working as Clerk in a Rice mill and also owned two autos and lends the same for rent purpose. The appellant/petitioner filed claim petition seeking compensation of Rs.1,00,000/-.

3. Respondent No.1 remained *ex parte*. The 2nd respondent filed counter denying the allegations and contended that the amount claimed by the appellant is 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 had occurred due to rash and negligent driving of the driver of the subject auto and awarded total compensation of Rs.30,000/- with interest at the rate of 7.5% per annum, payable by the 2nd respondent. Aggrieved by the said order, the appellant/petitioner filed the present appeal.

5. Heard.

6. A perusal of the impugned 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.

T.AMARNATH GOUD, J

28th November, 2019

YVL

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD



M.A.C.M.A.No.1488 OF 2006

Date:28.11.2019

YVL