

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.2849 OF 2007

JUDGMENT:

This appeal is filed by the appellant - 2nd respondent/Insurance Company aggrieved by the Order and Decree dated 04.05.2007 passed in O.P.No.2346 of 2004 by the Motor Accidents Claims Tribunal-cum-II Additional Chief Judge, City Civil Court, Hyderabad (for short, the Tribunal).

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

3. The brief facts of the case are that on 23.12.2003, the petitioner was a pillion rider on a motor cycle being driven by her husband on the left side of the road going towards Secunderabad and when they reached Amarjyothi Petrol Bunk at Balanagar at about 9:30 A.M., a lorry bearing No.AP 28T 7583 driven by its driver in a rash and negligent manner at high speed came behind the motor cycle and while overtaking their motor cycle from left side, dashed against the petitioner, due to which she fell down and sustained severe injuries apart from loss of six weeks pregnancy. The petitioner was immediately shifted to Appollo Hospital, Secunderabad, where she was treated as an inpatient from 23.12.2003 to 14.03.2004, where several surgeries were performed. The petitioner was totally bed ridden from the date of accident and was advised further admission into hospital to undergo further surgeries. She spent about Rs.10,00,000/- for medical treatment and requires to spend more amount for further

treatment. As a result of the accident, she became permanently disabled and bed ridden and is unable to sit, stand and move. Further, she is unable to look after her three year old child from the time of accident. She was aged 28 years old as on the date of accident, was working as Accounts Assistant in Sudhakar and Company earning Rs.78,000/- per annum, apart from working on part time basis and earning Rs.36,000/- per annum. Therefore, the petitioner claimed a compensation of Rs.40,00,000/-payable by both the respondents, who are the owner and insurer of the offending lorry.

4. In the claim petition, the 1st respondent remained *ex parte*. The 2nd respondent – Insurance Company filed 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 to 4 and R.W.1 and documentary evidence of Exs.A-1 to A-19 and Ex.B-1 and Ex.X1, the Tribunal awarded total compensation of Rs.18,39,000/- with interest at 7.5% per annum i.e., Rs.3,00,000/- towards pain and suffering, loss of amenities of life, Rs.6,12,000/- towards loss of income throughout life, Rs.5,00,000/- towards discomfort and frustration and Rs.4,27,000/- towards medical expenses. Aggrieved by the said

order, the appellant - 2nd respondent/Insurance Company filed the present appeal.

6. Heard.

7. 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.40,00,000/-, the Tribunal awarded an amount of Rs.18,39,000/- with interest at 7.5% 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.

8. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed confirming the award and decree passed by the Tribunal in all respects, including the rate of interest. No order as to costs. Miscellaneous petitions pending, if any, shall stand dismissed.

T.AMARNATH GOUD, J

Date:22.11.2019

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