

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.912 OF 2006

JUDGMENT:

This appeal is preferred by the appellant/2nd respondent/insurance company questioning the order of the Chairman, Motor Vehicle Accident Claims Tribunal-cum-II Additional District Judge, Karimnagar at Jagtial (for short, the Tribunal) in O.P.No.173 of 2004 dated 17.10.2005.

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 the claimants are the sons of the deceased-Bommakanti Gangamma @ Gangu Bai, resident of Raikal. On 11.01.2004 at Bheemannawada in Raikal Village at about 7.00 p.m., the 1st respondent, who is the owner of the auto bearing No.AP 15V 9158 drove the same in a rash and negligent manner and at high speed and came behind the deceased, who was going to her house from the house of her daughter and dashed against her, as a result of which she was thrown in the nearby drainage canal. She became unconscious. The claimants shifted the deceased to Remedy Hospital, Hyderabad, in an Ambulance and was admitted as an inpatient. The deceased suffered intra cerebral bleeding due to which she developed hemiplegia. She also sustained fracture of clavicle and she was treated in the said hospital for eleven days. At that time she was affected by paralysis. She was brought back to

Raikal and she took treatment for the fracture on the left clavicle and also underwent physiotherapy. In spite of it, the deceased could not recover from the injuries and subsequently she died on 09.02.2004. Hence, the claimants filed the claim petition claiming compensation of Rs.2,50,000/-, payable by both the respondents, being the owner-cum-driver and insurer of the crime auto.

4. In the claim petition, both the respondents filed separate counters denying the allegations and contended that the amount claimed by the claimants 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 evidence of P.Ws.1 to 3 and documentary evidence of Exs.A-1 to A-7 & Ex.B-1, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the crime auto and awarded total compensation of Rs.1,30,848/- and rounded off the same to Rs.1,30,850/- i.e., Rs.71,848/- towards medical expenses, Rs.500/- towards extra nourishment, Rs.4,000/- towards transport expenses, Rs.50,000/- towards compensation for death under no fault liability, Rs.2,500/- towards loss of estate and Rs.2,000/- towards funeral expenses, with interest @ 7.5% per annum from the date of petition till the date of realization, payable by both the respondents. Aggrieved by the

said order, the appellant/2nd respondent/insurance company filed the present appeal.

6. Heard Sri G.S.Prakash Rao, learned standing counsel for the appellant/insurance company and Sri P.Rama Krishna Reddy, learned counsel for respondents 1 to 3/claimants. Perused the material record.

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.2,50,000/-, the Tribunal awarded an amount of Rs.1,30,850/- with interest @ 7.5% per annum from the date of petition till the date of realization. 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: 11th November, 2019

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