

**THE HON'BLE SRI JUSTICE T.AMARNATH GOUD**

**M.A.C.M.A. NO.919 OF 2011**

**JUDGMENT:**

This appeal is preferred by the appellant/Insurance Company questioning the Award of the Motor Accident Claims Tribunal-cum-IX Additional Chief Judge (FTC), City Civil Court, Hyderabad (for short, the Tribunal) in O.P.No.575 of 2009, dated 23.07.2010.

2. The brief facts of the case are that on 16.09.2008 at about 4.30 PM., while respondent No.1/claimant was going by walk by the side of road near Ganesh Rice Mill at Chandupatla Village, Bhongir Mandal, Nalgonda District, the driver of Tata Indica car bearing No.AP09X 5988 drove it with high speed in a rash and negligent manner and dashed the claimant. In the said accident, the claimant fell down on the road and the Tata Indica car ran over his right leg, causing fracture on his left ankle and other grievous injuries. The claimant filed the aforesaid MVOP against owner of the car (respondent No.2 herein) and insurer of the car (appellant herein), claiming compensation of Rs.2,00,000/- for the injuries sustained by him in the said accident.

3. Before the Tribunal, owner of the car, remained *ex parte*. The appellant-Insurance Company filed a counter 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.

4. 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 car and awarded total compensation of Rs.1,15,000/- under various heads, with interest at the rate of 9% per annum. Aggrieved by the said order, the appellant/Insurance Company filed the present appeal.

5. Sri N.Mohan Krishna, learned counsel appearing for the appellant-insurance company, submitted that the driver of the car is not having valid driving licence and therefore, the appellant is not liable to pay compensation. He further submitted that there is delay in filing the F.I.R., and seeks to set aside the order of the Tribunal.

6. Though the learned counsel for the appellant submitted that the driver of the car was not having valid driving licence and that there is delay in filing FIR, the appellant did not produce any evidence to that effect before the Tribunal or this Court and hence, I am not inclined to go into those issues. Having regard to the facts and circumstances of this case, I am of the opinion that the Tribunal has passed a well reasoned order and there are no grounds to interfere with the same. Consequently, 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.

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**T.AMARNATH GOUD, J**

Date: 19-08-2019  
TJMR