

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

C.M.A.No.2603 OF 2004

JUDGMENT:

This appeal is preferred by the appellant/petitioner/claimant questioning the order of the Motor Accidents Claims Tribunal (FTC), III Additional District & Sessions Judge, Nizamabad (for short, the Tribunal) in O.P.No.807 of 1998 dated 27.11.2003.

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 on 01.06.1998 at 9.30 a.m., the petitioner is traveling in the tractor bearing No.AP-25-D-9935 as a customer from Armoor to Makloor. When the tractor reached near Gutpa Shivar, the driver of the tractor drove the tractor in a very high speed, due to which the tractor turned turtle and fell down into a canal, due to which the petitioner received injuries to left leg, fracture and simple injury on palm (left), injury on head and he was shifted to Government Civil Hospital, Nizamabad. As on the date of the petition, the petitioner was aged about 32 years and he was earning Rs.6,000/- per month and on account of accident, he incurred permanent disability and unable to attend his regular duties. The petitioner is said to have incurred expenditure of Rs.25,000/- towards medical expenses and thus, he is entitled to claim compensation of Rs.1,00,000/-, payable by both the respondents, who are owner and insurer of the tractor bearing No.AP-25-D-9935.

4. In the claim petition, both the respondents filed separate written statements denying the allegations and contended that the amount claimed by the claimant is highly excessive and that they are 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.W.1 & R.W.1 and Exs.A-1 to A-4 & Ex.B-1, the Tribunal awarded total compensation of Rs.25,000/- in all aspects with interest @ 9% per annum from the date of petition till the date of realization to be payable by the 2nd respondent/insurance company to the petitioner and the 2nd respondent/insurance company is at liberty to recover the amount, if any, about violation of its policy against the 1st respondent/owner, which was paid by the 2nd respondent to the petitioner on account of the 1st respondent/owner. Aggrieved by the said order, the appellant/petitioner/claimant 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.1,00,000/-, the Tribunal awarded an amount of Rs.25,000/- with proportionate costs and interest @ 9%

per annum. 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. No order as to costs.

Miscellaneous petitions pending, if any, shall stand dismissed.

T.AMARNATH GOUD, J

Date: 23rd October, 2019

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