

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

C.M.A. No.1406 of 2003

JUDGMENT:

This appeal is filed by the appellant/insurer questioning the order passed in O.P.No.413 of 1996, dated 19-10-2002 of the Motor Accident Claims Tribunal -cum- District Judge, Nizamabad (for short, 'the Tribunal').

2. Brief facts of both the case are that on 30-07-1995 at about 9.30 pm while the claimant along with one Atmaram getting down from their scooter near Rajiv Gandhi Auditorium, Khaleelwadi, Nizamabad, one motorcycle bearing No.AP 25/3676 came from their behind at high speed in a rash and negligent manner and dashed against them, due to which, he fell down and sustained multiple fractures and injuries to all over the body. Hence, he filed claim petition claiming compensation of Rs.3.00 lakhs towards the injuries sustained by him.

3. In the claim petition, the respondent Nos.1 and 2, who are the insurer and owner of the crime vehicle, filed their counters denying the allegations made by the claimant 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.

4. After considering the oral and documentary evidence on record, the Tribunal held that the accident occurred due to rash and negligent manner of driving of the driver of the crime vehicle and accordingly granted compensation of Rs.3.00 lakhs to the claimant payable by the respondents

jointly and severally with interest @ 12% per annum. Aggrieved by the same, the insurer filed this appeal.

5. Heard.

6. As seen from the case on hand, the appellant/insurer has not made out its case for setting aside the order of the Tribunal since there is no evidence on record either oral or documentary in support of its contention. Hence, this Court is of the opinion that the order passed by the Tribunal is well considered and needs no interference.

7. Accordingly, the Appeal is dismissed. No costs.

8. Miscellaneous petitions pending, if any, shall stand closed.

Date: 23-10-2019
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T.AMARNATH GOUD, J

