

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No. 2537 of 2016

JUDGMENT:

This appeal is directed against the Award dated 26.02.2016 passed by the Motor Accidents Claims Tribunal-cum-XIV Additional District and Sessions Judge, Ranga Reddy district at L.B.Nagar (for short 'the Tribunal), in M.V.O.P.No.418 of 2009 whereby the Tribunal awarded compensation of Rs.5,40,883/- together with interest from the date of petition till the date of realization on account of the injuries sustained by the petitioner in a motor vehicle accident that occurred on 19.01.2008, due to the rash and negligent driving by the drivers of both the crime vehicles involved in the accident, and accordingly apportioned the compensation among both the vehicles.

It is a case of collusion between two vehicles and the deceased was traveling in one of the vehicle i.e. Swaraj Mazda Mini bus bearing No. AP 13 W 8182. When the claimant sustained severe injuries in the accident, she was shifted to Sri Venkateswara Institute of Medical Sciences, Tirupathi.

Now in this appeal, it is the contention of the learned Standing Counsel for insurer of one of the crime vehicles i.e., United India Insurance Company Limited, against whom 50% of the liability is fixed, is that the accident caused due to negligent driving of Swaraj Mazda Mini lorry bearing No. AP 02 W 3914 and that the complaint was given by the cleaner against the dead person i.e driver of Bus bearing No. AP 13 W 8182, who died on the spot and that the police filed final report against the

deceased stating as action abating and the Tribunal erred in arriving at the loss of earnings, pain and suffering, loss of amenities, incidental charges, which are high and excessive without any basis.

Learned counsel for the respondent No.1/claimant rebutted the above contentions, by stating that the appellant had neither produced any evidence, nor proved his case before the Tribunal that the accident occurred due to negligent driving of Swaraj Mazda Mini lorry.

A perusal of Ex.A.6-copy of FIR, Ex.A.7-copy of case diary, Ex.A.8-copy of panchanama, Ex.A.9-copy of final report and Ex.A.10 copy of accident inspection report, proves that the accident occurred due to the rash and negligent driving by the driver of Swaraj Mazda Mini bus bearing No. AP 13 W 8182, which hit against the vehicle i.e. Swaraj Mazda Mini Bus bearing No. AP 02 W 3914 when it reached near Narayanadas Thota turning on N.H.No.205 (Putturu Road), due to which the claimant and her husband sustained injuries. Since it is a head-on collision, in the facts and circumstances of the case, the apportionment of liability 50:50 fixed by the Tribunal is in order and the same does not require any interference. The Tribunal has rightly assessed the compensation as per Ex.A1 – identity card issued by Tata Consultancy Services, Mumbai, Ex.A.2 – B. Tech certificate, Ex.A.3 – date of birth certificate, Ex.A.4 – salary slip, Ex.A.5 – wedding card, Ex.A.11 – discharge summary, Exs.A.12, 13 and 16 – medical bills, Exs.A.14 and 15 medical prescriptions. It is not in dispute

that both the drivers of bus and lorry are having valid driving licenses and that the insurance policies of the said vehicles are in force at the time of accident. As such the contention of the learned standing counsel for the appellant – insurance company cannot be countenanced and the appeal is liable to be dismissed.

Accordingly the appeal is dismissed, confirming the judgment dated 26.02.2016 passed in M.V.O.P.No.418 of 2009 by the Motor Accidents Claims Tribunal-cum-XIV Additional District and Sessions Judge, Ranga Reddy District at L.B.Nagar. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this appeal shall stand closed.

15.07.2019
kvrn

T. AMARNATH GOUD, J