

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. NO.137 OF 2015

JUDGMENT:

This appeal is preferred by the appellant/Insurance Company questioning the Award of the Motor Accident Claims Tribunal-cum-XIII Additional Chief Judge (FTC), City Civil Court, Hyderabad (for short, the Tribunal) in M.V.O.P.No.1668 of 2010, dated 23.11.2013.

2. The brief facts of the case are that respondent No.1 is the wife and respondent Nos.2 and 3 are the sons of the deceased, Bakka Rachaiah. On 26.01.2010 at 7.30 A.M., while the deceased, his wife and others were proceeding in Auto bearing No.AP28X 4094 from Vikarabad to Marpally and when they reached near the outskirts of Velchal village, the driver of said auto drove it in a rash and negligent manner, with high speed, as a result of which, the auto turned turtle and the inmates of the auto fell down from the auto. Due to which, the deceased sustained injuries and died on the spot. The respondents herein filed the aforesaid MVOP against the owner of the auto (respondent No.4 herein) and the insurer (appellant herein), claiming compensation of Rs.8,50,000/- for the death of the deceased.

3. Before the Tribunal, owner of the auto, remained *ex parte*. The appellant-Insurance Company filed its 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 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 auto and awarded total compensation of Rs.7,30,000/- under various heads, with interest at the rate of 7.5% per annum. Aggrieved by the said order, the appellant/Insurance Company filed the present appeal.

5. Heard.

6. Having regard to the facts and circumstances of this case, I am of the opinion that the Tribunal has passed a well reasoned order. Therefore, no interference is required in the award passed by the Tribunal. 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.

T.AMARNATH GOUD, J

Date: 09-08-2019
Shr