

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

C.M.A.No.3816 OF 2003

JUDGMENT:

This appeal is preferred by the appellant/2nd respondent/insurance company questioning the order of the IV Additional Chief Judge-cum-Motor Vehicles Accidents Claims Tribunal, City Civil Court, Hyderabad (for short, the Tribunal) in O.P.No.2760 of 2001 dated 12.08.2003.

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 24.09.2000 while he was traveling in lorry bearing No.AP 07-U-4185 from Midjil to Devarakonda Market by taking fruit baskets, the driver of the lorry drove it at high speed and in a rash and negligent manner due to which he lost control over the lorry and it turned turtle resulting grievous injuries to petitioner. Therefore, the petitioner claimed a compensation of Rs.1,50,000/-, payable by both the respondents, who are owner and insurer of the offending lorry.

4. In the claim petition, the 1st respondent remained *ex parte*. The 2nd respondent filed separate 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.

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.Ws.1 & 2 & R.W.1 and Exs.A-1 to A-8 & Ex.B-1, the Tribunal awarded total compensation of Rs.59,500/- with interest @ 9% per annum i.e., Rs.35,000/- towards loss of disability, Rs.10,000/- towards pain and suffering, Rs.10,000/- towards hospital expenses, medicines, extra nourishment, transportation and other incidental expenses and Rs.4,500/- towards loss of past earnings. Aggrieved by the said order, the appellant/2nd respondent/insurance company 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.1,50,000/-, the Tribunal awarded an amount of Rs.59,500/- with interest @ 9% per annum. Hence, this Court finds that the compensation awarded by the Tribunal is just and reasonable. 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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