

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.765 OF 2007

JUDGMENT:

This appeal is preferred by the appellant/insurance company, questioning the Award and Decree of the Motor Accident Claims Tribunal-cum-I-Additional District Judge, Nizamabad (for short, the Tribunal) in O.P.No.1178 of 2001 dated 17.11.2006.

2. The brief facts of the case are that on 14.06.2000, the petitioner was a driver of lorry bearing No.AP10T 1901 and coming from Hyderabad to Kamareddy and when he reached near Rajampet Railway Gate, he noticed some odd sound in the rear portion of the lorry. He stopped the lorry and get down from it and while checking, the lorry bearing No.AP12U 1494 came in a wrong direction with high speed and dashed the petitioner. In the said accident, the petitioner sustained multiple and grievous injuries all over the body. He filed the aforesaid OP against the respondents, claiming compensation of Rs.4,00,000/- for the injuries sustained by him.

3. Before the Tribunal, respondent Nos.1 and 2 filed their separate counters denying the allegations and contended that the amount claimed is highly excessive and that they are 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 lorry and awarded total compensation of 1,50,000/- under various heads with interest at the rate of 7.5% per annum from the date of

filing of the original petition, till the date of realization. Challenging the said order, the appellant-insurance company filed the present appeal.

5. Sri T.Ramulu, learned counsel appearing for the appellant-insurance company contended that the claimant is not entitled for any compensation and that the Tribunal ought to have dismissed the claim petition. He further contended that the Tribunal erred in awarding Rs.25,000/- under the head loss of estate, therefore, he prayed to allow the appeal.

6. Sri D.Bhaskar Reddy, learned counsel for the respondent-claimant, submitted that the Tribunal passed a well reasoned order and therefore, sought to dismiss the appeal.

7. The Tribunal after examining the claimant as P.W.1 and marking Exs.A1 to A9 and Ex.B1 insurance policy, was pleased to award a sum of Rs.1,50,000/- towards compensation for the injuries sustained by the claimant. Since it is a case of injuries, the claimant is not entitled for the compensation of Rs.25,000/- awarded by the Tribunal under loss of estate. Therefore, the judgment passed by the Tribunal is liable to be modified.

8. Accordingly, the Motor Accident Civil Miscellaneous Appeal is partly allowed, reducing the compensation awarded by the Tribunal from Rs.1,50,000/- to Rs.1,25,000/-. Miscellaneous petitions pending, if any, shall stand dismissed. No order as to costs.

T.AMARNATH GOUD, J

Date:12-12-2019
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