

THE HON'BLE SRI JUSTICE T. AMARNATH GOUD

C.M.A.No.1363 OF 2003

JUDGMENT:

This appeal is preferred by the appellant/petitioner/claimant questioning the order of the Chairman, Motor Accident Claims Tribunal-cum-III Additional District Judge, City Civil Court, Hyderabad (for short, the Tribunal) in O.P.No.337 of 1998 dated 24.06.2002.

2. The brief facts of the case are that on 14.09.1997 at about 5.45 p.m., and at the place of Yashoda Hospital, Somajiguda, Hyderabad, when the claimant was proceeding in an Auto from Malakpet towards Ameerpet side so as to go to his house, one Maruthi Car bearing No.AP 9E 6534 belonging to the respondent and being driven by its driver in a rash and negligent manner with high speed came in opposite direction and dashed the person who was driving the Kinetic Honda at the first instance and thereafter the auto in which the claimant was traveling, due to which he sustained fracture to his both legs. The claimant was working as Enforcement Officer and drawing a salary of Rs.12,000/- per month by the date of accident and on account of the accident in question, the claimant is unable to attend his duties, in addition to having permanent disability as detailed in the petition. Thus, the claimant filed the petition claiming compensation of Rs.2,50,000/- under various heads as detailed in the petition along with interest at 18% per annum against the respondent.

3. In the claim petition, the respondent filed written statement denying the allegations and mainly contended that he did not drive the Maruthi Car at the time of the accident, that he is not responsible for the alleged accident and that the claimant is not entitled to the reliefs as prayed for, and therefore 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 offending vehicle by its driver and that the respondent being the owner is liable for payment of compensation and awarded total compensation of Rs.16,332/- under various heads with proportionate costs and with interest at the rate of 9% per annum. Aggrieved by the said order, the appellant/petitioner/claimant filed the present appeal.

5. Heard.

6. 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.2,50,000/-, the Tribunal awarded an amount of Rs.37,000/-, out of which Rs.20,668/- towards medical expenses has been reimbursed by the employer of the claimant and therefore, after deducting the same, the balance amount of Rs.16,332/- has been awarded with proportionate costs and interest @ 9% per annum. Therefore, I see no reason to interfere with the order of the Tribunal and the appeal is liable to be dismissed.

7. Accordingly, the Civil Miscellaneous Appeal is dismissed.

No order as to costs.

Miscellaneous petitions, pending if any, shall stand dismissed.

T. AMARNATH GOUD, J

August 27, 2019

KTL

