

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

C.M.A.No.2445 OF 2003

JUDGMENT:

This appeal is preferred by the appellant/2nd respondent/insurance company questioning the order of the Motor Accident Claims Tribunal – cum - Additional District Judge, Nizamabad, (for short, the Tribunal) in O.P.No.1000 of 1999, dated 12.12.2002.

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 14.04.1999 at 11:30 P.M., while the petitioner was going on his cycle along with one Rajeshwar Goud from Minarpally to Bodhan on left side of the road very slowly and cautiously, a tractor bearing No.APJ 4319 driven by its driver came with a high speed in a rash and negligent manner and dashed against the petitioner, due to which the he fell down and the tractor ran over him and Rajeshwar Goud, and the petitioner sustained multiple fractures to left hand, fracture to right leg and multiple and grievance injuries on other parts of the body. Immediately, the petitioner was shifted to Nizamabad Orthopedic Clinic, Nizamabad, and was treated as inpatient and underwent major operations. He incurred an expenditure of Rs.1,00,000/- towards medicines and extra nourishment. It is further stated that prior to accident, the petitioner was hale and healthy working as Police Constable, earning Rs.6,000/- per month and due to the said accident, he sustained permanent

disability and the accident occurred due to rash and negligent driving of the driver of the tractor. Respondent No.1 – the owner of the tractor and respondent No.2 – insurer are jointly and severally liable to pay compensation to the petitioner. Therefore, the petitioner claimed a compensation of Rs.6,00,000/- payable by both the respondents.

4. In the claim petition, the 1st respondent remained *ex parte*.

5. The 2nd respondent filed counter denying the allegations and contended that the amount claimed by the claimant is highly excessive and it is not liable to pay any compensation and therefore prayed to dismiss the claim petition.

6. 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 PWs.1 and 2 and RW.1 and Exs.A1 to A68 and Ex.B1, the Tribunal awarded a total compensation of Rs.3,20,000/- with interest @ 9% per annum i.e., Rs.2,20,000/- towards permanent disability, Rs.80,000/- towards medicine and extra nourishment and Rs.20,000/- towards past and future pain and suffering. Aggrieved by the said order, the appellant/2nd respondent/insurance company filed the present appeal.

7. Heard.

8. 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.6,00,000/-, the Tribunal awarded an

amount of Rs.3,20,000/- 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.

9. Accordingly, the Civil Miscellaneous Appeal is dismissed confirming the order and decree passed by the Tribunal in all respects, including the rate of interest. No order as to costs. Miscellaneous petitions pending, if any, shall stand dismissed.

Date:19.11.2019

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T.AMARNATH GOUD, J

