

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.1297 OF 2008

JUDGMENT:

This appeal is preferred by the appellant/insurance company questioning the order of the Chairman, Motor Accident Claims Tribunal-cum-II Additional District Judge, Warangal (for short, the Tribunal) in O.P.No.5 of 2007 dated 13.12.2007.

2. The brief facts of the case are that the 1st respondent is resident of Vidyaranyapuri, Hanamkonda. On 18.04.2006, the 1st respondent along with his friend Ch.Ram Reddy boarded his motor cycle bearing No.AP K 2585 and were proceeding to Hanamkonda to Warangal and reached in front of KMC Gate on extreme left side of the road. Meanwhile, an auto rickshaw bearing No.AP 36U 6911, which is also proceeding on the same direction came in high speed in a rash and negligent manner beyond the control of its driver without blowing any horn, dashed to the motor cycle from behind as a result of which the 1st respondent sustained injuries. Immediately after the accident, the 1st respondent and his friend were shifted to Mourya Hospital, Hanamkonda, for treatment. On a complaint given by Ch.Venkatram Reddy, the Matwada Police registered a case and investigated into and filed charge sheet. The 5th respondent is the owner of the crime vehicle and the 2nd respondent is the insurer of the said crime vehicle. The 5th respondent remained *ex parte*.

3. In the claim petition, the appellant/insurance company filed 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.

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 crime vehicle and awarded total compensation of Rs.94,000/- 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. 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.1,20,000/-, the Tribunal awarded an amount of Rs.94,000/- with proportionate costs and interest @ 7.5% 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 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: 17th June, 2019

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