

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.1447 of 2008

JUDGMENT:

This appeal is preferred by the appellant/insurance company challenging the order and decree dated 10.04.2007 passed in O.P.No.565 of 2004 by the Chairman, Motor Accidents Claims Tribunal-cum-II Additional District Judge (FTC), Adilabad (for short, the Tribunal).

2. The brief facts of the case are that on 11.04.2004 at about 5.30 PM., while the petitioner/claimant was proceeding from his house on his motorcycle bearing No.AP1G-1862 towards police station and when he reached near Savadasnagar, a pig came across the road and he applied sudden break, due to which, he fell down and sustained fracture to his left fore arm and other injuries all over his body. Immediately, he was shifted to Government Hospital, Utnoor, from there, to a private hospital for better treatment. He spent a sum of Rs.45,000/- towards medical expenses. Hence, the petitioner filed the aforesaid O.P., claiming compensation of Rs.1,50,000/- for the injuries sustained by him in the accident.

3. The respondent filed counter denying the allegations made in the petition stating that as the accident occurred due to the negligence of the petitioner while driving his motorcycle, the insurance company is not liable to pay any compensation and that the petitioner was not holding valid driving licence at the time of the accident and prayed to dismiss the claim petition.

4. During trial, the petitioner was examined as P.W.1 and got marked Exs.A1 to A9. On behalf of the respondent, no oral evidence was adduced, but Ex.B1-copy of insurance policy was marked.

5. After considering the material on record and the evidence adduced by the petitioner, the Tribunal allowed the O.P. in part awarding compensation of Rs.78,000/- with interest at 7.5% per annum from the date of petition till the date of realization payable by the respondent. Aggrieved by the said order, the insurance company preferred the present appeal.

6. Heard both sides.

7. A perusal of the order reveals that the Tribunal has passed a well considered order by taking into consideration the oral and documentary evidence adduce on behalf of both the parties. Hence, I see no reason to interfere with the said order and therefore, the appeal is liable to be dismissed.

8. Accordingly, the appeal is dismissed. Miscellaneous petitions pending, if any pending in this appeal, shall stand dismissed. No order as to costs.

T.AMARNATH GOUD, J

8th July, 2019

sj