

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

MACMA.Nos.273, 341, 980 & 981 of 2011

COMMON JUDGMENT:

With the consent of both the learned counsel, these four appeals, arising out of the same accident which occurred on 31.10.2001, are disposed of by way of a common judgment.

2. These appeals are filed by the 2nd respondent/insurance company, who is the appellant in all the four appeals, aggrieved by the orders and decrees, dated 20.09.2006, passed in O.P.Nos.173 of 2002, 174 of 2002, 171 of 2002 & 172 of 2002, by the Motor Accident Claims Tribunal (II Additional District Judge) (Fast Track Court), Nizamabad (for short, the Tribunal), to the effect that it is not liable to pay the compensation.

3. For the sake of convenience, the parties are hereinafter referred to as they were arrayed before the Tribunal in the original petitions.

4. The common case of the petitioners is that on 31.10.2001 all the petitioners in the above said O.Ps. were travelling in a jeep bearing No.AP-25-T-021 to go to Nandipet. On the way, at 8.00 p.m., when the offending jeep reached near Durganagar Thanda, its driver drove the same at high speed in a rash and negligent manner and dashed against the scooter bearing No.ATJ-3223, which came in opposite

direction and then dashed to a road side tree, due to which the petitioners sustained injuries. Hence, the petitioners filed the above said O.Ps claiming compensation of Rs.2,00,000/- each for the injuries sustained by them, payable by both the respondents, being the owner and insurer of the offending jeep.

5. Before the Tribunal, respondents 1 & 2 filed separate written statements in all the above said O.Ps denying the averments of the claim petitions and contended that the amounts claimed are excessive and prayed to dismiss the claim petitions.

6. After considering the oral and the 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 offending jeep and awarded compensation of Rs.30,000/- to the claimant in O.P.No.173 of 2002, Rs.35,000/- to the claimant in O.P.No.174 of 2002, Rs.30,000/- to the claimant in O.P.No.171 of 2002, & Rs.30,000/- to the claimant in O.P.No.172 of 2002, with interest @ 7.5% per annum from the date of petition till the date of realization, payable by both the respondents jointly and severally. Aggrieved by the said orders, the 2nd respondent/insurance company filed the present appeals.

7. Heard T.Ramulu, learned standing counsel for the appellant/2nd respondent/insurance company and Sri Azar Sravan Kumar, learned counsel for the 1st respondent/claimant in all the appeals. Perused the material record.

8. Sri T.Ramulu, learned standing counsel for the appellant/2nd respondent/insurance company, mainly contended that the insured vehicle bearing No.AP 25-T-1021, which is insured with the appellant/insurance company is not the crime vehicle bearing No.AP 25-T-021 and that no policy was issued by the appellant/insurance company to the crime vehicle bearing No.AP 25-T-021 and that the appellant/insurance company is not liable to pay any compensation to the claimants in all the above said O.Ps. and prayed to set aside the orders in the above said O.Ps.

9. A perusal of the orders reveal that the Tribunal passed well considered orders by taking into consideration all the aspects and as against the claim of Rs.2,00,000/-, the Tribunal awarded an amount of Rs.30,000/- to the claimant in O.P.No.173 of 2002, Rs.35,000/- to the claimant in O.P.No.174 of 2002, Rs.30,000/- to the claimant in O.P.No.171 of 2002 & Rs.30,000/- to the claimant in O.P.No.172 of 2002, with interest @ 7.5% per annum from the date of petition till the date of realization. Hence, this Court

finds that the compensations awarded by the Tribunal are just and reasonable.

10. The contradiction with regard to the crime vehicle is concerned, the said issue is well considered and answered by the Tribunal by holding that the petitioners might have noted the number of the vehicle involved in the accident as Jeep bearing No.AP-25-T-021 instead of Jeep bearing No.AP-25-T-1021 and the 2nd respondent/insurance company cannot be absolved from its liability when admittedly the offending vehicle insured with the 2nd respondent under the original of Ex.A-6-motor vehicle insurance cover note and the vehicle insured under Exs.B-1 to B-3, is one and the same. Therefore, I see no reason to interfere with the orders of the Tribunal and the appeals are liable to be dismissed.

11. Accordingly, the Motor Accident Civil Miscellaneous Appeals are dismissed confirming the awards and decrees, dated 20.09.2006, passed in O.P.Nos.173 of 2002, 174 of 2002, 171 of 2002 & 172 of 2002, by the Tribunal, in all respects, including the rate of interest. No order as to costs.

Miscellaneous petitions pending, if any, shall stand dismissed.

T.AMARNATH GOUD, J

Date: 6th January, 2020

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