

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**FRIDAY, THE NINETEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY ONE**

PRESENT

THE HONOURABLE Dr. JUSTICE SHAMEEM AKTHER

MACMA.NO: 2833 OF 2011

Appeal under Section 173 of Motor Vehicles Act against the judgment/order and decree made in O.P.No.2211 of 2005 dated 29.07.2009 on the file of the Court of the XXII Additional Chief Judge cum Before the Motor Accidents Claims Tribunal, City Criminal Courts at Hyderabad.

Between:

The National Insurance Company Ltd., rep by its Regional Manager, 3rd Floor, Moghul Courts, Basheerbagh, Hyderabad.

...APPELLANT/RESPONDENT No.2

AND

1. Mazhar, S/o.Burhanuddin, Occ: Welder, R/o.No.18-12-148/H/66, Kamchnbagh, Babanagar, Hyderabad.

...RESPONDENT/CLAIMANT

2. Mohd Barkatulla, S/o.Not Known, Major, Occ: Business, R/o.18-12-419/470, Kamchanbagh, Babanagar, Hyderabad.

...RESPONDENT/RESPONDENT

MACMA.MP. NO: 6531 OF 2009

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased grant of stay of execution of the decree and all further proceedings passed in OP.No.2211 of 2005 dated 29.07.2009 on the file of the court of the MACT cum XXII Additional Chief Judge, City Criminal Courts, Hyderabad, pending disposal of the above appeal.

Counsel for the Appellant: SRI. K. SITA RAM

Counsel for the Respondent No.1: SRI. C. BUCHI REDDY

Counsel for the Respondent No.2: NONE APPEARED

The Court delivered the following: JUDGMENT

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

M.A.CMA.No.2833 OF 2011

JUDGMENT:

This appeal, under Section 173 of the Motor Vehicles Act, 1988, is filed by the appellant-Insurance Company aggrieved by the order, dated 29.07.2009, passed in O.P.No.2211 of 2005 by the XXII Additional Chief Judge - cum - Motor Accidents Claims Tribunal, City Criminal Court, Hyderabad (for short, 'the Tribunal'), whereby, the Tribunal has granted an amount of Rs.65,000/- towards compensation to the respondent No.1-claimant with interest at 7% per annum from the date of petition till the date of realization.

2. Heard the learned Standing Counsel for the appellant-Insurance Company, learned counsel for the respondent No.1-claimant and perused the record,

3. The learned Standing Counsel for the appellant-Insurance Company would submit that though the accident, admittedly, occurred on 27.06.2004, a report was lodged with the police on 28.07.2004. There is no proper identification of the vehicle that involved in the accident. Furthermore, there is no explanation from PW.1-injured with regard to the delay that caused in filing report to the police concerned. The Tribunal had erroneously granted compensation at Rs.65,000/- with interest at 7% per annum from the date of petition till realization and ultimately, prayed to reduce the same.

4. On the other hand, learned counsel for the respondent No.1-claimant would submit that the Tribunal is justified in granting the compensation at Rs.65,000/- and ultimately, prayed to dismiss the appeal.
5. There is no dispute with regard to the respondent No.1-claimant sustaining injuries in a motor accident that occurred on 27.06.2004 near Rakshapuram Main Road.
6. As seen from the material placed on record, there is specific evidence of PW.1 that he was admitted in hospital on 27.06.2004 and the complaint was given by his mother after one month of his admission in the hospital. It is also borne by the record that police after completion of investigation filed charge sheet, wherein the number of the crime vehicle and the name of the driver are shown. There are no violations of the terms and conditions of the policy. Merely because report is given to the police concerned with a delay of one month, in the given circumstances i.e., particularly when PW.1 is admitted in the hospital, it cannot be said that the respondent No.1-claimant has not sustained injuries in the subject road accident. The Tribunal is justified in holding that the respondent No.1-claimant sustained injuries due to the rash and negligent driving by the driver of the crime vehicle bearing No.AP-25-T-7861. Further, it is apt to state that the material documents and the evidence of PW.1 reveal the suffering of the injuries by the respondent No.1-claimant (PW.1). Taking the same into consideration, the

Tribunal granted compensation of Rs.65,000/- to the respondent No.1-claimant with interest at 7% per annum from the date of petition till realization. So that cannot be held to be excessive. There is no infirmity in assessing and awarding the compensation by the Tribunal. There are no grounds to interfere with the same. The appeal is devoid of merit and is liable to be dismissed.

7. In the result, the appeal is dismissed confirming the order, order, dated 29.07.2009, passed in O.P.No.2211 of 2005 by the XXII Additional Chief Judge - cum - Motor Accidents Claims Tribunal, City Criminal Court, Hyderabad.

Miscellaneous Petitions, if any, pending in this appeal shall stand closed. There shall be no order as to costs.

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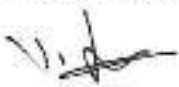
Sd/-I.NAGA LAKSHMI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The XXII Additional Chief Judge cum Before the Motor Accidents Claims Tribunal, City Criminal Courts at Hyderabad.
2. One CC to Sri. K. Sita Ram, Advocate [OPUC]
3. One CC to Sri. C. Buchi Reddy Advocate [OPUC]
4. Two CD Copies

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HIGH COURT

DATED: 19/02/2021

JUDGMENT

MACMA.No.2833 of 2011



DISMISSING THE APPEAL

⑤ VLW
1/5/21