

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THURSDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY TWO

PRESENT
THE HONOURABLE SMT JUSTICE G.ANUPAMA CHAKRAVARTHY

M.A.C.M.A. NO: 296 OF 2012

Appeal under Section 173 of M.V.Act, against the Order and decree made in OP No.2157 of 2005 dated 18/07/2007 on the file of the Court of the Chairman, Motor Accidents Claims Tribunal –cum- X Additional Chief Judge, City Civil Court at Hyderabad (Fast Track Court).

Between:

National Insurance Company Ltd, rep by its Divisional Manager, 86, Srinidhi Complex, Sarojini Devi Road, Secunderabad - 500 003.

...PETITIONER/APPELLANT
AND

1. M.Nagabhushanam, S/o.Suryanarayana Mason R/o.33-157/2, Suman Colony, Jeedimeetla, Hyderabad.
2. G.Laxminarayana Reddy, S/o.Venkat Reddy, Aged Major Business R/o. 4-124, Road No.7, Pragathi Nagar, Moosapet, Hyderabad.
3. AP State Road Transport Corporation, rep by its Managing Director RTC X Roads, Musheerabad, Hyderabad-500 020
(R2 disd. for default vide Court Order dated 12/09/11)

...RESPONDENTS/RESPONDENTS

For the Appellant : SRI V.SAMBASIVA RAO, Advocate (Insurance Co. SC)

For the Respondent No.1 : SRI V.ATCHUTA RAM, Advocate

The Court delivered the following: JUDGMENT

HON'BLE SMT. JUSTICE G. ANUPAMA CHAKRAVARTHY

M.A.C.M.A. No.296 of 2012

JUDGMENT :

1. This appeal is filed by the Insurance Company aggrieved of the order and decree dated 18.07.2007 in O.P.No.2157 of 2005 on the file of X Additional Chief Judge (FTC), City Civil Court, Hyderabad.
2. On 02.05.2005 at about 07.10 a.m., due to the rash and negligent driving of Bus bearing No.AP-10-U-828 by its driver, it dashed against the Auto bearing No.AP-28-V-7113, causing grievous injuries to the petitioner/1st respondent herein. Hence, the O.P. was filed seeking compensation of Rs.2,00,000/-
3. The Tribunal, on examining the oral and documentary evidence on record, partly allowed the O.P., awarding a total compensation of Rs.63,000/- along with costs and interest @ 6% per annum from the date of petition till the date of realization, to be payable jointly and severally by respondent Nos.1 and 2 before the Tribunal i.e. the owner of the Bus and the Insurance Company respectively. The 3rd respondent before the Tribunal i.e. the

A.P.State Road Transport Corporation is exonerated of the liability. Aggrieved thereby, the appellant-Insurance Company has filed this appeal.

4. Heard both sides and perused the record.
5. The learned Standing Counsel for the appellant contended that the decree of the Tribunal is contrary to law, weight of evidence and probabilities of the case; that the Tribunal has erred in fastening the liability on the appellant-Insurance Company; that the amount awarded is exorbitant. Accordingly, prayed for setting aside the impugned order in the O.P.
6. On a perusal of the material on record, the order and decree of the Tribunal, I am of the considered view that there are no valid grounds to interfere with the findings of the Tribunal. I do not find any illegality or infirmity in the impugned order and decree, warranting interference by this Court. Further, in the judgment of Hon'ble Supreme Court in **U.P.State Road Transport Corporation v. Rajendri Devi and others** [Civil Appeal No.2526 of 2020, dt.08.06.2020], it is held that the owner of the Bus or the

Insurance Company are liable to pay compensation for any fault, negligence, accident or other illegal acts of the driver of the Bus.

In view of the same, the sum awarded by the Court below is payable by the appellant-Insurance Company along with interest as ordered in the impugned order.

7. The appeal is devoid of merit and it is accordingly dismissed. No order as to costs.

8. Pending miscellaneous applications, if any, shall stand closed.

Sd/-T KRISHNA KUMAR
ASSISTANT REGISTRAR

//TRUE COPY//

SD
SECTION OFFICER

To

1. The Chairman, Motor Accidents Claims Tribunal -cum- X Additional Chief Judge, City Civil Court at Hyderabad (Fast Track Court) (with records)
2. One CC to Sri V.S Ambasiva Rao, Advocate (OPUC)
3. One CC to Sri V.Achuta Ram, Advocate (OPUC)
4. Two CD Copies
5. One Spare Copy

KJ



HIGH COURT

DATED:31/03/2022



JUDGMENT

MACMA.No.296 of 2012

DISMISSING THE MACMA.

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P.M.A.
31/03/2022

HIGH COURT FOR THE STATE OF TELANGANA
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M.A.C.M.A. NO: 296 OF 2012

Between:

National Insurance Company Ltd, rep by its Divisional Manager, 86, Srinidhi Complex, Sarojini Devi Road, Secunderabad - 500 003.

...PETITIONER/APPELLANT

AND

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3. AP State Road Transport Corporation, rep by its Managing Director RTC X Roads, Musheerabad, Hyderabad-500 020
(R2 disd. for default vide Court Order dated 12/09/11)

...RESPONDENTS/RESPONDENTS

Appeal under Section 173 of Motor Vehicles Act, against the Judgment and decree of the Court of the Chairman, Motor Accidents Claims Tribunal -cum- X Additional Chief Judge, City Civil Court at Hyderabad (Fast Track Court) dated 18/07/2007 made in OP No.2157 of 2005.

This appeal coming on for hearing, and upon perusing the Memorandum of Appeal, the order of the Lower Court and the material papers in the case, and upon hearing the arguments of Sri V.Sambasiva Rao, Advocate for the Appellant and of Sri.V. Atchuta Ram, Advocate for the Respondent No.2.

Decree: That this Court doth Order and decree that the decree of the Lower Court be and hereby is confirmed and this Appeal is dismissed and this Court doth further Order and decree that there be no Order as to costs in this Appeal.

Sd/-T.KRISHNA KUMAR
ASSISTANT REGISTRAR

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GP
SECTION OFFICER

To

1. The Chairman, Motor Accidents Claims Tribunal - cum- X Additional Chief Judge, City Civil Court, at Hyderabad (Fast Track Court).
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KJ.



HIGH COURT

DATED:31/03/2022

DECREE

MACMA.No.296 of 2012

DISMISSING THE MACMA.

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KMA
31/03/2022