

**HONOURABLE SRI JUSTICE A. SHANKAR
NARAYANA**

M.A.C.M.A. No.395 of 2005

JUDGMENT:

Aggrieved by the order dated 31.08.2001 passed in M.V.O.P No.306 of 1999 on the file of the Chairman, MACT-cum-II Additional District Judge, Warangal, whereby and whereunder a sum of Rs.20,000/- was granted as compensation with interest at 9% per annum as against the claim of Rs.1,50,000/- under Section 163-A read with 166 (1) of the Motor Vehicles Act, 1988 read with Rule 455 of the A.P. Motor Vehicle Rules, 1989, the instant appeal is preferred by the Insurance Company— 2nd respondent fastening liability on it.

2. For the sake of convenience, the parties are hereinafter referred to as arrayed in the O.P. before the Tribunal.

3. The facts in brief are that on 04.11.1998 the petitioner D.Mangilal boarded the jeep bearing No.AP 31 T 6870 at Mahabubnagar in order to go to Chinnagudur. The driver of the jeep since driven it at high speed and in a rash and negligent manner, dashed against the stationed jeep, due to which inmates of the jeep sustained injuries. Immediately, the petitioner was shifted to

Government Hospital, Warangal and admitted as in-patient till 19.11.1998. The petitioner claiming that he was earning Rs.12,500/- per month and due to the accident, he is unable to attend his earlier occupation and lost his livelihood by 50%, sought Rs.1,50,000/- towards compensation against respondents 1 and 2 i.e., owner and insurer of the accident vehicle.

4. The respondent No.1 remained *ex parte* in the O.P. before the Tribunal.

5. The 2nd respondent—Insurance Company opposed the claim. It is specifically contended that in the FIR the jeep number was mentioned as APT 6870 but in the petition the registration number is mentioned as AP31 T 6870. It is contended that the jeep bearing No.APT 6870 was not insured with it and therefore, it is not liable to pay any compensation and it is not liable to indemnify the 1st respondent.

6. The Tribunal basing on the pleadings of rival sides framed three (3) issues about the responsibility for the accident. During enquiry, the petitioner examined himself as PW.1 besides examining D.Veeranna, co-passenger as PW.2 and marked Exs.A-1 to A-25. On behalf of the respondents, RW.1 was examined and marked Exs.B1 to B3.

7. The Tribunal on issue No.1 basing on the

evidence of PWs.1 and 2 and taking into consideration the evidence of RW.1, the administrative officer working in the office of the 2nd respondent and discussing elaborately held that the jeep involved was only AP 31 T 6870 and in favour of the petitioner. On issue No.2, basing on the evidence of PW.1 and Exs.A-2 to A-20, granted a sum of Rs.20,000/- with interest at 9% per annum. The said order is challenged in the instant appeal on the main ground that the Tribunal did not properly appreciate the evidence on record, more particularly, Ex.A1—FIR, which reflects registered number of jeep as AP T 6870, but the claim was concerning the jeep with registration No.AP 31 T 6870.

8. Heard Sri R.Venkata Rao, learned counsel for the Insurance Company.

9. The Learned counsel for appellant contends that the alleged jeep number is mentioned as AP 31T 6870 whereas in the FIR, the alleged accident was caused by jeep bearing No.AP T 6870 and on issue No.2 held against the Insurance Company and owner of the jeep.

10. Though respondents 1 and 2 served, none represents.

11. Perused the order under challenge. The

Tribunal has recorded a definite finding basing on the evidence of PWs.1 and 2 and RW.1—administrative officer of legal branch of 2nd respondent that the jeep involved in the accident was registered bearing No.AP 31T6870 and inadvertently “31 was omitted”. That finding recorded by the Tribunal is well reasoned and based on appreciation of evidence of PWs.1 and 2 and RW.1. Absolutely, there is no merit in the appeal.

12. Therefore, the appeal is dismissed while confirming the order passed by the Tribunal. No order as to costs.

13. As a sequel thereto, Miscellaneous Applications, if any, pending in this appeal stand disposed of.

A. SHANKAR NARAYANA, J

31.12.2014

knI

**HONOURABLE SRI JUSTICE A. SHANKAR
NARAYANA**

-
-
-
-
-
-

-
-
-
-
-
-
-
-
-
-
-
-

M.A.C.M.A. No.395 of 2005

Date:31.12.2014

knl

