

**THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO**

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**M.A.C.M.A.No.2070 of 2005**

**JUDGMENT:**

This appeal is filed by the insurance company - second respondent in O.P.No.254 of 1999, against the award dated 23.06.2004 passed by the Motor Accident Claims Tribunal – cum – I Additional District Judge, Ranga Reddy District at L.B.Nagar (for short, Tribunal).

2. The first respondent herein filed the said OP claiming a compensation of Rs.1,50,000/- for the injuries sustained by the him in a motor accident that occurred on 02.05.1994. While the claimant was waiting at the bus stop to go to Shankerpalliguda, at the request of the driver of the lorry bearing No.AP 02C 0485, he boarded the lorry which was involved in the accident. He sustained injuries and he was taking treatment even as on the date of filing of the said OP. The Tribunal framed the following issues and held all the issues in favour of the claimant:

- “1. Whether the accident had occurred due to the rash and negligent driving of the driver of the vehicle bearing No.AP 02V 0485 (Tata Lorry)?
2. Whether the vehicle involved in the accident is insured with the second respondent and there is any violation of policy conditions?
3. Whether the petitioner is entitled for compensation? If so, from whom and to what extent?”

3. The Tribunal awarded an amount of Rs.45,000/- making respondents 1 and 2 jointly and severally liable to pay the said amount. With regard to the second issue, the Tribunal gave a finding that the second respondent therein, who is the appellant herein, could not establish that there is violation of policy condition by the first respondent therein (third respondent herein), and in view of the said finding of fact recorded by the Tribunal, this Court is not inclined to disturb the said finding in the absence of any evidence.

4. Hence, the appeal fails and is, accordingly, dismissed.  
Miscellaneous petitions pending, if any, shall stand closed. There shall  
be no order as to costs.

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**A.RAMALINGESWARA RAO, J**

Date: 10.12.2015  
TJMR