

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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M.A.C.M.A. No.1308 of 2005

JUDGMENT:

This appeal is preferred by the third respondent in M.V.O.P. No.110/1999 on the file of the District Judge, Chittoor-cum-Motor Accidents Claims Tribunal (for short, 'the Tribunal'). The said petition was filed by mother of the deceased, who died in a motor accident that occurred on 16.01.1999. Before the Tribunal, the owner of vehicle was arrayed as first respondent, the second respondent was Insurance Company, third respondent was the father of deceased, fourth respondent is the son of claimant and third respondent. The Tribunal passed an award for Rs.60,000/- as against the claim of Rs.2.00 lakh and it was directed that the claimant and fourth respondent shall share compensation in the ratio of 50:50. The third respondent was held not entitled for any share. Challenging the said award, so far as the third respondent is concerned, the present appeal is filed.

The third respondent, who was examined as RW1 before the Tribunal, admitted that he deserted the claimant and has been living with one Suseelamma and two children were born out of their relationship. The claimant was living away from the third respondent in Karnataka State. Fourth respondent was examined as RW3 and deposed that the third respondent thrown them out from their house and was living separately with the said Suseelamma. Himself and the claimant were living together. In those circumstances, the Tribunal passed the award in favour of the petitioner before it and the fourth respondent, who was examined as RW3. The appellant, who was third respondent, admitted the desertion and living with another lady by name Suseelamma. In the circumstances, the award passed by the Tribunal cannot be found fault with.

Accordingly, this Appeal is dismissed. There shall be no order as to costs.

Miscellaneous petitions pending, if any, in this appeal shall stand closed.

A.RAMALINGESWARA RAO, J

04.11.2015

MVA

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