

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

-

M.A.C.M.A.No.1565 of 2005

JUDGMENT:

The appellants herein are respondent Nos.2 and 3 in O.P.No.1130 of 2001 on the file of the Motor Accident Claims Tribunal, Warangal. The first respondent herein filed the claim petition claiming an amount of Rs.3,50,000/- for the injuries sustained by him in a motor accident that occurred on 26.04.2001 in front of Pavan Swathi Udipi Hotel, Bheemaram, when the claimant along with one Thotu Ranga Swamy was proceeding on a scooter bearing No.AP 36 C 9641 towards Hanamkonda and the claimant was a pillion rider. The Tribunal framed the following issues:

“1. Whether the accident occurred on 26-4-2001 due to rash and negligent driving of Lorry bearing No.AP 23 T 8246 driver by its driver, as per S.166 of M.V.Act?

2. Whether the petitioner is entitled to compensation? If so, to what amount and from whom?

3. To what relief?”

After considering the evidence on record, the Tribunal came to the conclusion that the accident occurred due to rash and negligent driving of the driver of the lorry bearing No.AP 23 T 8246. The injured was aged about 22 years at the time of accident. He was working as hotel worker at Chinthagattu. Ex.A5 – disability certificate, showed that the claimant sustained 80% disability due to amputation of right hand above elbow. The Tribunal, accordingly, awarded an amount of Rs.1,74,000/- with 9% interest per annum.

The present appeal is filed on the ground that there was suspicion with regard to involvement of lorry, as the claimant stated the he was hit by a tractor in his statement made to the doctors at the time of admission in the hospital. In Ex.A6 it was mentioned that while he was going on a scooter, he was hit by a

tractor on 27.04.2001. He was treated as an inpatient in NIMS Hospital, Hyderabad, and was discharged on 10.05.2001 and Ex.A6 is the discharge report. There were discrepancies with regard to the date of the accident and involvement of the vehicle. However, on the basis of Ex.A1-FIR, and Ex.A3-charge sheet, the Tribunal recorded a finding that the lorry bearing No.AP 23 T 8246 was involved in the accident.

In view of the finding of fact recorded by the Tribunal on the basis of the evidence, this Court is not inclined to entertain the argument advanced by the learned Counsel for the appellants – Insurance Company.

The appeal is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

24.11.2015

vs

-