

**HON'BLE SRI JUSTICE A. SHANKAR
NARAYANA**

M.A.C.M.A. No.1110 OF 2005

JUDGMENT:

The instant appeal is preferred by the 2nd respondent – M/s United India Insurance Company Limited in O.P. No.960 of 2001, aggrieved of the order and decree, dated 11-06-2003, in O.P. No.960 of 2001, passed by the learned Chairman, Motor Accidents Claims Tribunal – cum – IV Additional Chief Judge, City Civil Court, Hyderabad (for short 'the Tribunal'), whereby and whereunder,

a sum of Rs.2,46,000/- (Rupees two lakhs and forty six thousand) was awarded as compensation with interest at 9% per annum for the injuries sustained by the petitioner while riding the pillion of motor cycle bearing registration No.AP 28N 2957 on 08-03-2000 since the rider of motor cycle drove it in a rash and negligent manner while proceeding from Hyderabad to Kalwakurthy, and when it reached near Quba Colony, Pahadi Shareef, Ranga Reddy District and was unable to control the speed of vehicle, it went off the road, fell into a ditch, on account of which, the petitioner sustained injuries, and the Tribunal having framed three issues and also additional issue subsequently, examined PW.1 and marked Exs.A-1 to A-14 and also Ex.B-1, copy of insurance policy, and granted the aforesaid amount as against the claim of Rs.3,00,000/-(Rupees three lakhs) laid by the petitioner under Sections 166 of the Motor Vehicles Act, 1988 (for short 'the Act').

2. The only ground urged in the instant appeal is, since the accident occurred due to own negligence of the rider of motor

cycle and the petitioner was riding the pillion, Ex.B-1 copy of policy does not cover the risk of pillion rider and, thus, the challenge is made attacking the said order.

3. Heard Sri Vutla Srinivas Rao, learned counsel for the appellant – Insurance Company and Gopireddy Chandrasekhar, learned counsel for respondent No.1 - petitioner. Despite service of notice on respondent No.2, owner of the vehicle, none appears.

4. During the course of arguments, the learned Standing Counsel for the appellant, with the permission of the Court, has gone through the policy marked as Ex.B-1, and having found that it was 'B' Policy, but not 'Act Policy', as such, fairly concedes that there is no merit in the appeal, and the appeal was preferred on the premise that it was an 'Act Policy'. In such an event, there is nothing-else to probe into and, therefore, the appeal deserves to be dismissed confirming the order and decree passed by the Tribunal in all respects.

5. In the result, appeal is dismissed. There shall be no order as to costs.

6. As a sequel thereto, miscellaneous applications, if any, pending in the appeal, stand disposed of.

A. SHANKAR NARAYANA, J

March 20, 2015.

Mgr