

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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M.A.C.M.A.No.1162 of 2005

JUDGMENT:

This appeal by the claimant is filed against the order of dismissal of O.P.No.511 of 2003 by the Motor Vehicle Accident Claims Tribunal – cum – III Additional District Judge, Karimnagar.

The case of the appellant - claimant, is that on 20.04.2003 when he was returning home after attending duties on his cycle from Dharmaram X roads and reached Shiva Stone Crushers, a lorry bearing No.AP 16 V 7407 driven by the first respondent came in a rash and negligent manner and dashed him, as a result of which, he sustained injuries on his right hand and head. Immediately he was shifted to Medbone Hospital, Godavarikhani, and he sustained fracture of right humerus. He claimed an amount of Rs.1,00,000/- for the injuries sustained by him. Initially, the claim petition was filed stating that the lorry was bearing No.AP 15 V 7407, which related to an auto registered with RTA Karimnagar. The said auto was not involved in any accident. Lorry bearing No.AP 16 V 7407 belonged to Vijayawada. That version was also changed to lorry bearing No.AP 16 E 7407. Since it was not a case of hit and run accident, the Tribunal noticed that the number mentioned in the claim petition did not tally with Ex.B.1 – insurance policy, as Ex.P.1 - insurance policy, related to the lorry which was involved in the accident, whereas the vehicle bearing No.AP 15 V 7407 is the auto, which was not involved in the accident. In view of the same, the Tribunal dismissed the claim petition.

The dismissal of the claim petition based on the facts and evidence adduced before the Tribunal is not erroneous. In view of the same, this appeal fails and is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

03.11.2015
vs

(A.RAMALINGESWARA RAO, J)