

HON'BLE SRI JUSTICE S.V. BHATT

M.A.C.M.A. No.1381 OF 2005

JUDGMENT:

The claimant in O.P. No.456 of 2004 in the Court of Motor Accidents Claims Tribunal -cum- IV Additional District Judge (FTC), Karimanagar, is the appellant.

Heard learned counsel for the appellant, learned counsel for respondents 1 and 2 and learned standing counsel for insurance company.

The facts relevant for disposal of the appeal are as follows:

On 14.01.2001, at about 8.30 p.m., the appellant and his brother- in- law (3rd respondent) were returning from Mylaram Village on Yamaha YD-125 cc motor cycle bearing No.AP-15- K-7309. When they reached near bus stop of Thimmapur Village, a Hero Honda motor cycle bearing No. AP-15- D-7220 came from opposite direction driven by 1st respondent at high speed in a rash and negligent manner and dashed against the Yamaha motor cycle on which the appellant was the pillion rider. Resultantly, the appellant sustained injuries along with respondent Nos. 1 and 3 and both vehicles were damaged. The appellant was shifted to Government hospital, Karimnagar where he was treated from 15.01.2001 to 19.01.2001 as inpatient. The appellant claimed compensation of Rs.1,00,000/- against the respondents.

Respondents 1, 3 and 4 filed their respective counters denying the averments of the claim petition. The 4th respondent-insurance company denied the accident, alleged injuries, treatment, age and avocation of the appellant. The appellant has shown respondents 3 and 4 as parties to the petition to claim compensation from 4th respondent as the Hero Honda Motor Cycle was not insured with any insurance company. As such, the 4th respondent is not liable to pay compensation to the appellant.

Based on the pleadings, the following issues were framed by the Tribunal.

- i. Whether the accident had occurred due to rash and negligent driving of the vehicle, i.e. Hero Honda (CD-100) Motor Cycle bearing No.AP-15-D-7220, by its driver?
Or
Whether the accident had occurred due to rash and negligent driving of the vehicle, i.e. Yamaha YD-125 Motor Cycle bearing No.AP-15-K-7309, by its driver?
- ii. Whether the drivers of vehicles in question have got valid driving licence on the date of accident?
- iii. Whether the vehicles in question have got valid insurance on the date of accident?
- iv. Whether the petitioner is entitled to compensation, if so, to what amount and from whom?
- v. To what relief?

Having regard to the facts and circumstances of the case and the material available on record, the Tribunal dismissed the claim petition holding that there was collusion between the appellant and respondent No.3 to get compensation from 4th respondent as the vehicle of 1st respondent has no insurance coverage and that the negligence of either of the vehicles is not proved.

Learned counsel for the appellant contends that the Tribunal ought to have appreciated the evidence on record without being influenced by Ex.A.2-charge sheet and ought to have granted reasonable compensation in view of the injuries suffered by the appellant.

I have taken note of the submissions of learned counsel appearing for the parties and perused the material available on record. I do not see any reason to interfere with the order impugned in the appeal as the appellant failed to substantiate his claim and the appeal is devoid of merit and is dismissed. No order as to costs.

Miscellaneous petitions, if any, pending in the MACMA shall stand closed.

S.V.BHATT, J

Date: 07.12.2015
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