

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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M.A.C.M.A.No.1297 of 2005

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JUDGMENT:

This appeal is preferred by the claimants in M.V.O.P.No.534 of 2004 on the file of the Chairman, Motor Accidents Claims Tribunal – cum – V Additional District Judge, Chittoor at Tirupati.

The petition was filed with the allegation that on 26.10.2003 at about 12 noon when the deceased and one Harinadha Reddy were going on Yamaha bike to distribute wedding cards and when they reached near Kalluru ghat road, the rider of motor bike observed a car coming in the opposite direction in a rash and negligent manner and to survive from the said accident, the rider turned the vehicle to the right side, as a result of which the rider of the motor bike received fracture and other multiple injuries and the pillion rider received head injury and died while shifting to hospital. The first claimant was examined as P.W.1 and the driver of the motor bike was examined as P.W.2. They did not attribute any negligence on the part of the car nor gave any particulars with regard to the car. In any event, it is not their case that the car had hit the motor bike. When the car was coming in the opposite direction, the driver of the motor bike turned the vehicle to the right side and the driver as well as the pillion rider fell down resulting in the death of pillion rider. Taking this into consideration, the claim petition was dismissed, as no negligence was attributed to the driver of the vehicle belonging to the first respondent.

In the facts and circumstances of the case, this Court sees no ground to entertain the present appeal filed against the order passed by the Tribunal on 19.04.2005.

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)

18.11.2015

vs

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