

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

M.A.C.M.A. No.252 of 2009

Between:

Mamidi Sathawwa

....

Appellant

And

T.Narayana

and another.

....

Respondents

DATE OF JUDGMENT PRONOUNCED: **22.07.2015**

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

1. Whether Reporters of Local Newspapers
may be allowed to see the judgments? Yes / No
2. Whether the copies of judgment may be
marked to Law Reporters / Journals? Yes / No
3. Whether Their Lordship wish to
see the fair copy of the Judgment? Yes
/ No

THE HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

M.A.C.M.A.No.252 of 2009

JUDGMENT:

This MACMA is preferred by the appellant/claimant aggrieved by the award dated 19.01.2006 in O.P.No.708 of 2001 passed by MACT-cum-I Additional District Judge, Adilabad dismissing the OP on the ground that claimant could not establish that she in fact travelled in the ill-fated jeep which met with an accident and suffered injuries.

2) When the matter came up for hearing, learned counsel for appellant/claimant submitted that claimant very much travelled in the ill-fated jeep and met with accident and sustained injuries and in fact, in the memo of evidence attached to the charge sheet she was shown as LW3 i.e. injured/eyewitness, but unfortunately during trial though charge sheet was marked as Ex.A3, copy of the memo of evidence was not attached to it and thereby Tribunal held, as if the claimant could not establish the factum of her travelling in the jeep and suffering injuries and ultimately dismissed the OP. He submitted that in the interest of justice, an opportunity may be given to the claimant to establish the fact that she travelled in the jeep and met with accident and suffered injuries to enable her to claim compensation.

3) Learned counsel for respondent/Insurance Company left

the matter to the discretion of the Court.

4) Copy of the memo of evidence attached to the charge sheet in Cr.No.51 of 2000 produced by the learned counsel for appellant shows that Mamidi Sathawwa w/o Gangadhar was shown as LW3 and she was referred as injured/eyewitness. The submission of learned counsel for appellant is that the claimant in the instant case is LW3 and opportunity may be given to her to establish this fact.

5) I find force in the said submission. In the considered view of this Court an opportunity shall be given to the claimant to establish her claim.

6) Accordingly, in the interest of justice, this appeal is allowed and award passed in O.P.No.708 of 2001 is set aside and matter is remanded to the Tribunal with a direction that the claimant shall be given an opportunity to adduce evidence to establish her case that she was involved in the accident and suffered injuries. An opportunity should also be given to the respondent/Insurance Company to resist the petitioner's claim.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 22.07.2015

Murthy