

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

M.A.C.M.A. No.1953 of 2005

JUDGMENT:

This appeal is filed by the petitioner in M.V.O.P.No.148/2000 on the file of Court of the learned Special Judge for the trial of offences under SCs & STs (POA) Act-cum-VI Additional Metropolitan Sessions Judge-cum-XX Additional Chief Judge, Secunderabad (for short, 'the Tribunal'). He filed the said O.P. claiming compensation of Rs.1,81,000/- for the death of his mother Susheela in a road accident that occurred on 16.07.1998.

It was stated that on 16.07.1998 at about 10.45 A.M. near K.M. 36.8 at Kothuru road of NH-7, when the petitioner was driving Tata Mobile bearing registration No.AP10K-101, the driver of lorry bearing registration No.TDX 3389 drove the said vehicle in a rash and negligent manner and hit the Tata Mobile, wherein the mother of petitioner and others were travelling. The mother of petitioner suffered head injury and fell in unconscious state, and she was shifted to Yashoda Hospital and she was there from 16.07.1998 to 03.08.1998. Later on, she was shifted to the Geetha Nursing Home and she was there till 16.08.1998. Thereafter, she was shifted to Yashoda Nursing Home and she was there till 04.09.1998. She was later on discharged and she died in the house on 15.09.1998. It was further stated that the petitioner spent an amount of Rs.1,29,000/- for medical expenses and prayed for compensation of Rs.1,81,000/- before the Tribunal.

The petitioner was examined as PW1 and examined one Y.Anjaiah as PW2 and exhibits A1 to A7 were marked. Insurance Policy was marked as Ex.B.1.

The Tribunal, on the basis of oral and documentary evidence, held that the accident occurred due to rash and negligent driving of

the driver of the lorry.

However, with regard to compensation, the Tribunal noticed that the entire evidence was let in as if the petitioner himself sustained injuries and he did not produce any medical bills of his mother. The Tribunal ultimately held that the petitioner failed to prove that his mother suffered injuries in the accident and he incurred medical expenses for the same, and accordingly, dismissed the O.P.

Learned counsel for the appellant could not bring to the notice of this Court any evidence to the contra.

In the absence of any evidence with regard to the injuries sustained by the mother of petitioner in the alleged incident and incurring of expenditure for medical treatment, the order of the Tribunal is correct, and this appeal is liable to be dismissed.

Accordingly, this Appeal is dismissed. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this appeal shall stand closed.

A.RAMALINGESWARA RAO, J

14.12.2015
MVA