

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

M.A.C.M.A.Nos.23, 34 and 42 of 2010

COMMON JUDGMENT:

The respective three injured by triple riding of a two wheeler, while proceeding on 15.01.2008 at about 8 p.m. or so, it is in between Velangimata Statue of Abbineniguntapalem Cross Road from the alleged involvement due to rash and negligent driving of the driver of the auto of the 1st respondent bearing No.AP 26W 1928 insured with the 2nd respondent, said to have sustained injuries and the petitioner in M.V.O.P.No.364 of 2008 (MACMA No.23 of 2010) sustained the crush injury resulted in amputation and the other two petitioners in M.V.O.P.No.361 of 2008 (MACMA No.34 of 2010) and M.V.O.P.No.362 of 2008 (MACMA No.42 of 2010) sustained injuries and they maintained the respective claims under Section 163-A of the Motor Vehicles Act (for short 'the Act'), for compensation of Rs.2,50,000/- in M.V.O.P.No.364 of 2008, Rs.1,25,000/- in M.V.O.P.No.361 of 2008 and Rs.1,30,000/- in M.V.O.P.No.362 of 2008 and on contest by the insurer and owner, disputing the very involvement of the auto and from the evidence on record respectively by separate trial and separate orders, on common date i.e., 24.09.2009, the claims were ended in dismissal and impugning the said nil awards, they maintained three appeals.

2. Heard both sides at length and perused the material on record.

3. The rider of the two wheeler is D.George, claimant in M.V.O.P.No.364 of 2008 (appellant in MACMA No.23 of 2010) and he did not even file his driving license. From the evidence on record, the tribunal came to the conclusion including from the belated F.I.R. though charge sheet filed by the police after investigation, by the triple riding that too, without experience the two wheeler rider supra, caused the accident and fallen on his own and there is no involvement of auto from the appreciation of the evidence on record. The delay in going to the hospital, if at all really sustained crush injury for not immediately went or even shifted itself also, as held by the tribunal throws any amount of doubt to the conclusion of the false implication, thereby, against the dismissal of three claims, for this Court while sitting in revision, suffice to say, from the above, nothing to interfere in the appeals.

4. Accordingly, all the three appeals are dismissed. There is no order as to costs.

5. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

Dr. B. SIVA SANKARA RAO, J

Date:31.10.2016

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