

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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C.M.A. No.2641 of 2004

JUDGMENT:

The injured, who filed O.P. No.911 of 1995 before the Motor Accidents Claims Tribunal-cum-District Judge, Nizamabad (for short, 'the Tribunal'), is the appellant herein. He filed the said O.P. claiming compensation of Rs.1,50,000/- for the injuries sustained by him in a motor accident that occurred on 06.03.1995 at about 1.00 A.M. in the outskirts of Vellur village of Medak District.

It was alleged in the O.P. that on 05.03.1995 while the petitioner and 60 others were travelling in a bus bearing registration No.AP-25-T-769, belonging to respondent No.1, to go to pilgrimage, on the way when the bus reached the limits of Vellur village in Medak District, on 06.03.1995 the driver of the bus drove it in a rash and negligent manner and dashed a road side tree. In the said accident, the petitioner and others sustained injuries. The petitioner was aged about 25 years and by doing agriculture and shepherd he was earning Rs.5,000/- per month.

Before the Tribunal, the owner of bus remained *ex parte* and the case was contested by the Insurance Company.

On the basis of the pleadings, the Tribunal framed the following issues:

- 1) Whether the accident was occurred due to rash and negligent driving of the vehicle by its driver?
- 2) Whether the petitioner is entitled for compensation? If so, to what amount and from which of the respondents?
- 3) To what relief?

The injured was examined as PW1 and examined a co-passenger, who filed O.P. No.826 of 1995, as PW2 and marked

exhibits A1 to A4. Though the contesting respondent did not adduce any oral evidence, it marked exhibits B1 to B3.

On the basis of oral and documentary evidence, the Tribunal held that the accident occurred due to rash and negligent driving of the driver of bus bearing registration No.AP-25-T-769. However, the Tribunal awarded an amount of Rs.500/- only.

In the absence of any authorised record of injuries sustained by the petitioner in the accident, this Court sees no ground to interfere with the said award. As no *prima facie* evidence was placed before the tribunal with regard to the injuries sustained by him and merely on the basis of oral evidence of PW2 and that of the injured, who was examined as PW1, the amount awarded by the Tribunal cannot be enhanced.

Accordingly, this appeal is dismissed. No order as to costs. Miscellaneous Petitions, if any, pending in this Appeal shall stand closed.

A.RAMALINGESWARA RAO, J

10.02.2016

MVA