

SMT JUSTICE T. RAJANI

MACMA.No.2800 of 2011

JUDGMENT:

This appeal is preferred by the appellant-insurance company, who is the second respondent before the Court below, assailing the judgment of the District Judge, Nellore in OP.No.121 of 2006 dated 23.10.2007 on the ground that the negligence aspect was not properly appreciated by the Court below and the evidence of R.W.2 was not considered.

2. Heard both sides.

3. A perusal of the judgment of the Court below shows that considering R.W.2 as interested witness, the Court below observed that there is no other material on record. As against the self-serving evidence of R.W.2, the evidence of independent witness, who is P.W.3, who is stated to be an eye-witness was considered. The fact that the charge sheet was laid against the driver of the crime vehicle also suggests that the accident occurred due to the negligence of the driver of the crime vehicle. Hence, there is absolutely no reason to differ with the observations and the findings of the Court below.

In view of the above, the civil miscellaneous appeal is dismissed. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

December 21, 2017
DSK

T. RAJANI, J