

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A. No. 3068 OF 2005

JUDGMENT:

This appeal is filed under Section 173 of the Motor Vehicles Act, 1988 (for short, 'the Act'), by the petitioner in M.V.O.P. No.537 of 2000 on the file of the Chairman, Motor Accidents Claims Tribunal-cum-II Additional District Judge, Guntur (for short, 'the Tribunal'), aggrieved by the dismissal order dated 01.08.2005 passed by the Tribunal in the said O.P. filed under Sections 163-A and 166 of the Act claiming Rs.2,00,000/- as compensation for the injuries sustained by him in a motor accident occurred on 19.04.2000.

2. Heard the learned counsel for the appellant-petitioner. There is no representation on behalf of respondent No.2-insurer. The appeal against respondent No.1-owner of the crime vehicle is dismissed on 05.01.2012 for default. However, dismissal of the appeal for default against respondent No.1-owner of the accident vehicle is of no consequence to decide the quantum of compensation, in view of the decision of a Division Bench of this Court in **Meka Chakra Rao v. Yelubandi Babu Rao @ Reddemma and others**¹.

3. The parties hereinafter are referred to as arrayed before the Tribunal.

4. Learned counsel for the appellant-petitioner would contend that the petitioner suffered grievous and simple injuries in a motor accident occurred on 19.04.2000 due to the rash and negligent driving of the driver of the jeep bearing No.AP 16U 7170; the Tribunal had erroneously

¹ 2001(1) ALT 495 (D.B.)

concluded that the petitioner was hospitalised on 15.04.2000 and without appreciating the oral and documentary on record, erroneously held that the petitioner is not entitled to any compensation, as he did not suffer injuries in the accident in question; and ultimately, prayed to allow the appeal and grant compensation to the petitioner as claimed.

5. There is no representation on behalf of respondent No.2-insurer. Even then this appeal can be disposed of on merits.

6. The case of the petitioner is that he suffered injuries in a motor accident occurred on 19.04.2000, but there is specific evidence of P.W.3-Dr. S.Amarnath that the petitioner sought admission in the hospital on 15.04.2000 and Ex.B.1-certificate issued by Dr. P.V.Hanumantha Rao reveals the said aspect. P.W.2-Dr. T.Narasimha Rao also deposed to that effect. R.W.1-Dr. P.V.Hanumantha Rao deposed that the petitioner was admitted in the hospital on 15.04.2000 but not on 19.04.2000. There is no clinching evidence to believe that the petitioner was hospitalised on 19.04.2000. Ex.A.4-certificate issued by R.W.1-Dr. P.V. Hanumantha Rao also reveals the date of admission in the hospital as 15.04.2000. There is no legally acceptable evidence to believe that the petitioner suffered injuries due to the rash and negligent driving of the driver of the jeep bearing No.AP 16U 7170 on 19.04.2000. There is record to show that the petitioner was treated in the hospital from 15.04.2000 onwards. The Tribunal, placing reliance on the oral and documentary evidence, held that the petitioner did not suffer injuries in the accident in question. Therefore, the petitioner is not entitled for compensation. The finding of the Tribunal is based on record. There is nothing to take a different view. The appeal is devoid of merits and it is liable to be dismissed.

7. In the result, this appeal is dismissed confirming the order dated 01.08.2005 passed by the Tribunal in M.V.O.P.No.537 of 2000. There shall be no order as to costs.

8. Miscellaneous Petitions pending, if any, shall also stand dismissed.

Dr. SHAMEEM AKTHER, J

Date: 26.10.2017

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