

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

[Special Original Jurisdiction]

THURSDAY THE FIFTH DAY OF OCTOBER
TWO THOUSAND AND SEVENTEEN

PRESENT
HONOURABLE DR. JUSTICE SHAMEEM AKTHER

MACMA.No. 2405 OF 2005

Between:

Desetti Chandrasekhara Rao ... Appellant/claimant

V/s.

Akber Ali Ansari & Ors. ... Respondents-Respondents

Counsel for the appellant : Sri A. Ravi Shankar

Counsel for the Respondents: Sri B.Devanand for R-3

The court made the following: [Order follows]

HONOURABLE DR. JUSTICE SHAMEEM AKTHER

MACMA.No. 2405 OF 2005

ORDER :

This Civil Miscellaneous Appeal is filed by the appellants/claimants against the award and decree dated 17/6/2005 passed in MVOP.No. 211 of 2001 by the Motor Accident Claims Tribunal-cum-II-Additional District Court, Srikakulam.

2. Heard the standing counsel appearing on behalf of the respondent No.3. Today, there is no representation on behalf of the appellant. Earlier also on many occasions i.e., 06/2/2017, 17/02/2017, 10/3/2017, 24/3/2017 and 18/4/2017, there was no representation on behalf of the appellant. It appears that the appellant has no interest to pursue the appeal. However, the matter is required to be disposed of on merits.

3. The standing counsel for the respondent No.3-New India Assurance Company, Visakhapatnam, would submit that the Tribunal had granted compensation against the respondents 1 and 2 i.e., driver and owner of the offending lorry bearing No. WB-23/3642 holding that respondent No.1 was rash and negligent in driving the vehicle and causing injuries to the appellant. The Tribunal also held that there was no Insurance coverage to the lorry,

therefore, the Tribunal dismissed the claim against respondent No.3 Insurer and awarded compensation of Rs.58,200/- against respondents 1 and 2 and dismiss the claim against respondent No.3. No copy of Insurance policy or any other document was filed before the Tribunal showing that there was Insurance coverage of the crime lorry with the respondent No.3. There is no iota of evidence on record to show that the crime lorry was insured with respondent No.3-New India Assurance Company.

4. The Tribunal has analysed the entire oral and documentary evidence placed on record and held that the appellant failed to establish that the offending lorry is insured with the respondent No.3. The findings of the Tribunal is supported by cogent and clinching reasons, therefore, there is nothing to take a different view. The appeal is devoid of merit and the same is accordingly dismissed. There shall be no order as to costs.

5. As a sequel, miscellaneous petitions if any, pending in this MACMA shall stands disposed of.

DR. JUSTICE SHAMEEM AKTHER

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MACMA.No. 2405 OF 2005
(DISMISSED)

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