

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

M.A.C.M.A No. 1562 of 2009

JUDGMENT:

This appeal arises out of the order dated 08.02.2007 passed in O.P.No.1354 of 2005 by the Chairman, III Additional Motor Accidents Claims Tribunal, Warangal.

2. The appellants filed a petition under Section 166 of the Motor Vehicles Act, 1988, claiming compensation of Rs.2,00,000/- against respondents 1 and 2, the owner and insurer of the crime vehicle Maruti Car bearing No.AP 9D 9731, on account of the death of minor girl Kumari Asiya @ Sana, alleging that on 21.11.2004, in the morning, the 1st petitioner left her daughter at Adarsha Public School for tuition, and after tuition, the deceased left the school and was returning home on foot, at about 10:45 AM, when she reached in front of house No.11-23-721, L.B.Nagar, Warangal, one Maruti Car bearing No. AP 9D 9731, driven by its driver in a rash and negligent manner, at Swarnapa Palace and LB Nagar X Roads, dashed the deceased as a result of which the deceased fell to the ground and sustained injuries. She was shifted to MGM Hospital for treatment where she succumbed to injuries while undergoing treatment.

3. Respondent No.1 remained ex parte. Respondent No.2 filed counter denying the material allegations made in the claim petition.

The Tribunal, on consideration of the evidence of the witnesses PWs.1 to 3, and the documents Exs.A1 to A9 and Ex.B1 insurance policy, has dismissed the petition. Aggrieved by the impugned Award passed by the Tribunal, the claimants have preferred the present appeal.

4. Heard the arguments of Mr. Vinod Kumar, learned counsel representing the advocate on record for the appellants; and the learned standing counsel for the respondent insurance company.

5. The short point that arises for consideration in this matter is whether the Tribunal is right in dismissing the claim petition filed by the appellants.

6. The dispute in this matter is with regard to the ownership of the vehicle. The Tribunal, in para 9 of its order has observed that Ex.A6-Certificate of Registration shows that Sri N. Naveen Kumar S/o Sri Kumar was the owner of the offending vehicle AP 09D 9731 as on 09.10.1992, whereas Ex.B1 copy of the policy shows that M/s Anjum Constructions Private Limited rep. by Syed Ata Hussain Anjum was the owner of the offending vehicle insured by the respondent No.2 during the period from 10.03.2005.

7. Therefore, respondent No.1 was not the owner of the offending vehicle at any point of time shown in either Ex.B1 insurance policy or Ex.A6 certificate of registration of offending vehicle. Therefore, the

Tribunal has held that since respondent No.1 is not the owner of the offending vehicle at the time of accident or at any point of time, the insurer of the crime vehicle who is respondent No.2 is not liable to pay any compensation.

8. The appellants have not brought on record any reasons finding fault with the observations made by the Tribunal in para 9 of the impugned order. Therefore, there are no valid grounds to interfere with the findings of the Tribunal.

9. **IN THE RESULT**, the appeal is dismissed and the order passed by the Tribunal is confirmed. Miscellaneous petitions, if any pending, shall stand closed.



GUDISEVA SHYAM PRASAD, J

14th September, 2018

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