

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

M.A.C.M.A.No.568 OF 2006

JUDGMENT:

Dissatisfied with the amount of Rs.37,500/- granted as compensation by the order dated 08-11-2005 in MVOP.No.568 of 2002 on the file of Chairman, Motor Accidents Claims Tribunal-cum-II Additional District Judge, (F.T.C.), Nizamabad (for short "the Tribunal) as against the claim of Rs.1,00,000- laid under Section 166-1 (a) of Motor Vehicles Act, 1988, for the injuries sustained by the petitioner in a road accident due to rash and negligent driving of the offending vehicle belongs to the 1st respondent, the appellant filed the instant appeal for enhancement of compensation and for fixing the liability on the 2nd respondent.

The appellant herein is the petitioner and the respondents 1 & 2 herein are the owner of the offending vehicle and Insurance company, are respondents 1 and 2 respectively in the MVOP.

Learned counsel for the appellant submits that it is a fit case for enhancement of compensation and also the Tribunal erroneously dismissed the claim petition against respondent No.2.

In this case, it is to be seen that the appeal is dismissed against respondent No.1 for default on 22-04-2016. Admittedly the 2nd respondent filed Ex.B.1 which shows that insurance policy was in force from 29-01-1999 to 28-01-2000. Thereafter, the policy was not renewed and as such, the 2nd respondent is not liable to pay compensation. Basing on the same, the claim petition is dismissed against respondent No.2. No contra evidence is

produced by the appellant in the appeal to show that said finding of the Tribunal is erroneous. The Tribunal has directed the 1st respondent to deposit the compensation amount and found that since there is no policy in force as on the date of accident, the 2nd respondent is also not liable to pay the compensation.

Regarding quantum of compensation, the Tribunal has not accepted the evidence of PW.2 and Ex.A.4 disability certificate and basing on injuries sustained, medical expenses and pain and suffering granted compensation. No infirmity in the impugned judgment is brought to the notice of this Court.

In view of the same, I do not see any error or any infirmity in the award and decree passed by the Tribunal and accordingly, the appeal is liable to be dismissed.

Therefore, the appeal is dismissed. As a sequel thereto, miscellaneous applications, if any pending in the instant appeal, stand closed.

A.RAJASHEKER REDDY, J

01-02-2018
Nvl