

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2288 OF 2005

JUDGMENT:

This appeal, under Section 173 of the Motor Vehicles Act, 1988, is filed by the appellant/claimant aggrieved by the dismissal of the claim petition by the learned Chairman, Motor Accident Claims Tribunal – cum – Additional District Judge, Anantapur (for short, “the Tribunal”) *vide* order, dated 21.06.2005, passed in O.P.No.68 of 1998.

2. Heard the submissions of Smt S.Annapurna, learned counsel representing Sri J.Narayana Swamy, learned counsel appearing for the appellant/claimant, and the learned Standing Counsel for the New India Assurance Company appearing for respondent No.2, and perused the material on record.

3. Smt S.Annapurna, learned counsel representing Sri J.Narayana Swamy, learned counsel appearing for the appellant/claimant, would contend that liberty may be granted to the appellant/claimant to workout his remedies available to him under law particularly, under the Workmen's Compensation Act.

4. On the other hand, learned Standing Counsel for the New India Assurance Company appearing for respondent No.2 would contend that the Tribunal rightly dismissed the claim petition; that there are no circumstances to vary with the impugned order and ultimately, prayed to dismiss the appeal.

5. In view of the submissions made by the learned counsel for the appellant/claimant, the short point that falls for determination is:

“Whether the appellant/claimant is entitled for compensation as claimed?”

6. **POINT:-** As far as the findings of the Tribunal with regard to the dismissal of the claim petition filed by the appellant are concerned, they are based on the evidence and law. There is nothing to take a different view. However, in view of the submissions made by Smt S.Annapurna, learned counsel representing Sri J.Narayana Swamy, learned counsel appearing for the appellant/claimant, it is left open to the appellant/claimant to work out his remedies available to him under law.

7. With the above observation, the appeal is dismissed. There shall be no order as to costs.

8. Miscellaneous petitions pending, if any, in this appeal shall stand closed.

DR.JUSTICE SHAMEEM AKTHER

Date : 11.09.2018
AMD

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