

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2486 OF 2005

JUDGMENT:

This appeal is filed under Section 173 of the Motor Vehicles Act, 1988 (for short, 'the Act'), by the appellant-claimant aggrieved by the order dated 28.02.2005 in M.V.O.P.No.139 of 2001 on the file of the Motor Accident Claims Tribunal-cum-VII Additional District Judge, Chittoor at Madanapalle (for short 'the Tribunal').

2. Heard the learned counsel for appellant-claimant, the learned Standing Counsel for the respondents-Insurance Company and perused the record.

3. This appeal is filed by the appellant-claimant aggrieved by the dismissal of the claim petition filed by her on account of the death of her mother-Jainabbi. While dealing with the matter, the Tribunal held that one Babu Khan filed O.P.Nos.207 of 2001 and 670 of 2000 for the death of Jainabee and Dowlath Khan before the Principal District Judge, Cuddapah and the same were settled before the Lok Adalat. The appellant has knowledge of the same.

4. Under these circumstances, there cannot be any two claim petitions and two awards in respect of one death. If the appellant is aggrieved with regard to the settlement before the Lok Adalat, she is at liberty to work out the remedies available to her under law. There are no circumstances to vary the impugned order passed by the Tribunal.

5. With the above observation, the appeal is dismissed.

The Miscellaneous Petitions, if any, pending shall stand closed.

No costs.

Dr. SHAMEEM AKTHER, J

Date: 19.09.2018
ssp

