

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2417 OF 2006

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 filed by him for grant of compensation of Rs.1,00,000/-, by the Chairman, Motor Accident Claims Tribunal – cum – II Additional District Judge at Warangal (for short, “the Tribunal”) *vide* order, dated 31.03.2006, passed in O.P.No.592 of 2004.

2. Heard the submissions of the learned counsel appearing for the appellant/claimant and the learned Standing Counsel for the National Insurance Company Limited appearing for respondent No.2, and perused the record.

3. Learned counsel for the appellant/claimant would contend that the Tribunal erroneously dismissed the claim petition filed by the claimant; that there is ample evidence to show that the claimant suffered grievous injuries; that there is also evidence to show the involvement of R.T.C. Bus bearing No.AP-7X/729 - offending vehicle in the road accident that occurred on 16.12.2003; that the Tribunal ought not to have dismissed the claim petition and ultimately, prayed to grant a compensation of Rs.1,00,000/- as claimed in the claim petition, and allow the appeal.

4. On the other hand, learned Standing Counsel appearing for the National Insurance Company Limited representing respondent

No.2 would contend that the Tribunal rightly dismissed the claim petition of the claimant; that there are no circumstances to take a different view and ultimately, prayed to dismiss the appeal.

5. Originally, the O.P. was filed for grant of compensation of Rs.1,00,000/- for the injuries said to have been suffered by the claimant in the aforesaid motor accident. The Tribunal, while dealing with the suffering of injuries and also the involvement of R.T.C. Bus bearing No.AP-7X/729, held that the injuries were not proved, so also the involvement of the RTC Bus in the accident. The findings are based on the evidence on record. There is no infirmity in the impugned order. There is nothing to take a different view. The impugned order is confirmed and the appeal is liable to be dismissed.

6. Accordingly, this appeal is dismissed. There shall be no order as to costs.

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

DR.JUSTICE SHAMEEM AKTHER

Date : 27.07.2018
AMD

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