

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

C.M.A.No.370 of 2004

JUDGMENT:

The present appeal is filed by the claimant against the order of dismissal of O.P.No.1351 of 2002, dated 13.11.2003, on the file of the Chairman, Motor Accidents Claims Tribunal-cum-District Judge, Warangal (for short "the Tribunal"). Though the present appeal was dismissed against owner of the offending vehicle on 08.02.2016, no steps were taken by the claimant.

The facts of the case reveal that the appellant filed a claim petition for compensation of an amount of Rs.3,00,000/- for the injuries sustained by the him in a motor accident that occurred on 16.09.2002 when he was going on a motor cycle as a pillion rider. It was alleged that the driver of Jeep bearing registration No.AP36-T9438 drove the vehicle in a rash and negligent manner and dashed his motor cycle, as a result of which, the claimant received multiple injuries.

Though the claimant examined himself as PW 1 and examined one Doctor as PW 2 and marked Exs.A1 to A20, the Tribunal dismissed the claim petition, on the ground that the complaint was lodged by the son of the claimant on 21.09.2002, after 5 days of the alleged accident. The Tribunal also noticed that Ex.A3 wound certificate shows only two simple injuries. The Tribunal also observed that the admission register of Jaya hospital did not indicate that the claimant was admitted on 16.09.2002 for the injuries sustained in a motor accident. Though Ex.A20 showed injury, there is no evidence to attribute such injury to a motor accident.

In view of the above, this Court sees no irregularity in the order passed by the Tribunal dismissing the claim petition filed by the

petitioner/claimant. The Appeal is accordingly dismissed. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in consequence.

A.RAMALINGESWARA RAO,J

Date: 22.03.2018
Dsr

