

SMT JUSTICE T. RAJANI

MA CMA No.198 of 2012

JUDGMENT:

This appeal is preferred by the appellant, who is the 2nd respondent in the Tribunal, questioning the judgment, dated 27.02.2007, passed by the Motor Accidents Claims Tribunal (District Judge) at Mahbubnagar, in O.P.No.612 of 2004 on the grounds that the Tribunal ought to have disbelieved the entire evidence of PW2; that non-furnishing the offending vehicle number and name of the accused immediately after the accident, to the police by PW2, throws any amount of doubt in the cross-examination of PW2; that the Tribunal ought to have rejected the evidence of PW3.

2. Heard the counsel for the appellant. None appears for the respondents.

3. The only ground on which the appeal is preferred is that the vehicle is not involved in the accident. Under issue No.1, the Tribunal took up the discussion with regard to the negligence aspect. It observed that on 24.01.2004 at 08:00 PM, while the deceased was returning to his village on his scooter and in the limits of Atmakur, a lorry came in opposite direction and dashed against the scooter due to which he fell down and died on the spot and a case was registered against the driver of the said lorry. Certified copies of the FIR and the charge sheet were also marked.

4. The evidence of the eye witness, who was examined as PW2, is that he was proceeding in a lorry which was involved in the accident. He speaks about the lorry dashing against the scooter. He further categorically stated that while he was proceeding on the extreme left side of the road, the driver of the lorry drove the lorry at high speed in a rash and negligent manner, and went towards extreme right side of the road and hit against the scooter. There is absolutely no evidence to the contra. PW3, who is the Sub-Inspector of the Police, Atmakur, also speaks about the investigation done by him. He categorically stated that the crime lorry is involved in the accident.

5. Hence, when there is ample evidence to prove that the lorry is involved in the accident, without there being any rebuttal evidence to the facts stated by PWs.2 and 3, there cannot be any finding contrary to the finding arrived at by the Tribunal.

6. Accordingly the appeal fails and is consequently dismissed.

As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

T. RAJANI, J

July 27, 2018
LMV