

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

I.A.No.1 OF 2018

IN/AND

M.A.C.M.A. No.2958 OF 2018

JUDGMENT:

I.A.No.1 of 2018 is filed by Achanta Jagan Mohan seeking leave of the Court to file appeal against the Award dated 11.09.2017 passed by the Chairman, Motor Accidents Claims Tribunal-cum-XII Additional District Judge, East Godavari District at Pithapuram awarding compensation of Rs.2,60,000/- against respondents 1 to 5.

The petitioner claiming to be owner of the accident vehicle hired with APSRTC filed this appeal under Section 173 of the Motor Vehicles Act on the ground that the 7th respondent is insisting him to pay compensation.

Respondents 1 to 5 filed petition under Section 166 of the Motor Vehicles Act claiming compensation for untimely death of Kukka Satyavathi in a road accident occurred on 06.06.2012 due to hit by bus bearing No. AP 05 TU 3434 belongs to the petitioner. On contest the Tribunal awarded compensation making respondents 6 and 7 jointly and severally liable to pay compensation, but the petitioner was not party to MVOP.

The appeal is to be filed by any person aggrieved by the award. Here, the petitioner is not the person aggrieved as no award is passed against him or at least making the driver of the vehicle engaged by the petitioner. The respondent No.6 is driver of the 7th respondent and the 7th respondent is APSRTC. When the petitioner is not a person aggrieved and the 7th respondent is insisting him to pay compensation awarded by the Tribunal, he cannot file appeal within the meaning of Section 173 of the M.V. Act.

Therefore, the leave petition is dismissed and consequently, the appeal is rejected. No costs

Miscellaneous Petitions, if any, pending shall stand closed.

M. SATYANARAYANA MURTHY, J

13.11.2018

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