

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.503 of 2011

JUDGMENT:

This appeal is preferred by the appellant/claimant questioning the order of the Motor Accident Claims Tribunal-cum-VII Additional District and Sessions Judge (FTC), Nizamabad at Bodhan (for short, the Tribunal) in O.P.No.1412 of 2004 dated 30-12-2010.

2. Brief facts of the case are that on 26-12-2002, at about 5.30 am, when the claimant was riding his motorcycle bearing No.A-25-H-5154 and when he reached in front of New Style tailor shop, suddenly another Suzuki motorcycle driven by its driver in a rash and negligent manner at a high speed and dashed against him, due to which, he sustained fractures and injuries. Hence, he filed the claim petition claiming compensation of Rs.2.00 lakhs against the respondent Nos.1 and 2, who are owner and insurer of the crime vehicle for the injuries sustained by him.

3. In the claim petition, the 2nd respondent-insurer filed a counter denying the allegations and contended that the amount claimed by the claimant is highly excessive and that it is not liable to pay any compensation and therefore prayed to dismiss the claim petition.

4. After considering the oral and documentary evidence on record, the Tribunal held that there is no evidence to show that the claimant sustained injuries and that the accident occurred due to the

rash and negligent manner of driving of the crime vehicle. Further Ex.B-1-policy of the crime vehicle does not cover the risk of the petitioner. Accordingly, the Tribunal dismissed the claim petition. Aggrieved by the same, the claimant filed this appeal.

5. Heard.

6. As seen from the order of the Tribunal, it is clear that the contention of the claimant that he sustained the injuries due to the rash and negligent driving of the driver of the crime vehicle is not supported by either oral or documentary evidence. In respect of issue No.1 is concerned, the Tribunal has answered this issue clearly and rightly held that the inclusion of name of the claimant in the FIR and Charge Sheet does not confer any right to the claimant to claim compensation unless there is sufficient proof of evidence to prove the manner of accident and the injuries alleged to be sustained by him. Hence, the claimant cannot claim any compensation.

7. In view of the same, this Court is of the opinion that the order passed by the Tribunal is well considered and needs no interference.

8. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed.

9. Miscellaneous petitions pending, if any, shall stand dismissed. No order as to costs.

T.AMARNATH GOUD, J

Date: 19-08-2019

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