

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.799 OF 2006

JUDGMENT:

This appeal is preferred by the appellant/claimant questioning the order of the Motor Accidents Claims Tribunal (IV Additional District Judge) (FTC), at Nizamabad (for short, the Tribunal) in O.P.No.1506 of 2001 dated 23.11.2005.

2. For the sake of convenience, the parties are hereinafter referred to as they were arrayed before the Tribunal in the original petition.

3. The brief facts of the case are that on 01.08.2001 at about 7.00 p.m., the petitioner and others were going in an auto bearing No.AP 25-T 7599 from Bodhan Road, Nizamabad, towards Malapally and when they reached near Malapally Petrol Bunk at about 7.00 p.m., one jeep came from opposite direction and dashed against the auto, due to which the driver of the said auto lost control over the said auto and turned turtle, due to which the petitioner, who was traveling in the said auto and others sustained multiple and grievous injuries. The petitioner received fracture injuries on his both legs and also received injuries on his head, legs, hands, back, chest and on various parts of the body. Immediately, the petitioner was shifted to Government Head Quarters Hospital, Nizamabad, for treatment and from there, he was shifted to private hospital for further treatment. Prior to the accident, the petitioner was hale and healthy and was aged about 30 years at the time of the accident

and was doing business and earning Rs.10,000/- per month. Due to the accident, the petitioner sustained permanent disability and he is unable to walk and work and he became dependent. The 1st respondent is the owner and the 2nd respondent is the insurer of the said auto. Hence, the petitioner filed the claim petition claiming a compensation of Rs.2,50,000/- payable by both the respondents.

4. In the claim petition, both the respondents filed separate written statements 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.

5. After considering the oral and documentary evidence on record, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the jeep bearing No.AP-25U-244 and dismissed the claim petition on the ground that the petitioner miserably failed to establish that the accident was occurred due to rash and negligent driving of the driver of the auto bearing No.AP25-T-7599 and he sustained injuries. Aggrieved by the said order, the appellant/petitioner/claimant filed the present appeal.

6. Heard.

7. Sri P.Harinath Gupta, learned standing counsel appearing for the 2nd respondent, vehemently opposed in entertaining the

appeal and contended that the appeal needs to be dismissed since the order passed by the Tribunal is well considered and needs no interference, as the claimant has failed to adduce proper evidence in support of his claim before the Tribunal.

8. Having regard to the facts and circumstances of the case and the submissions made by Sri P.Harinath Gupta, learned standing counsel appearing for the 2nd respondent, I see no reason to interfere with the order of the Tribunal and the appeal is liable to be dismissed.

9. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand dismissed.

T.AMARNATH GOUD, J

Date: 16th October, 2019

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