

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 873 OF 2006

JUDGMENT:

This appeal is directed by the claimants against the order and decree dated 19.01.2006 passed by the Motor Accidents Claims Tribunal-cum-VII Additional District Judge, FTC, Nizamabad in M.V.O.P.No.1503 of 2001 whereby the tribunal dismissed the claim petition on the ground that the claimants failed to establish the accident occurred due to rash and negligent driving of the jeep by its driver belonging to the 1st respondent and that except Ex.A.1-xerox copy of FIR, no other document or material was filed to substantiate their contentions and that there was violation of policy conditions and hence, the claimants are not entitled for the compensation.

2. For the sake of convenience, the parties herein are referred to as arrayed in the tribunal.

3. Before the tribunal, respondent No.1 remained exparte. Respondent No.2 – insurance company filed written statement denying the claim of the petition.

4. In order to prove the case of the claimant, before the tribunal, the claimants examined PWs.1 and 2 and marked Exs.A.1 to A.3. On behalf of the respondents RW.1 was

examined and marked Ex.B.1-attested copy of insurance policy.

5. Learned counsel appearing for the claimants contended that the tribunal failed to award compensation as the deceased Vitta Bai sustained injuries in the accident and hence, prayed to grant just and proper compensation.

6. Learned standing counsel appearing for the Insurance Company contended that the award passed by the tribunal is well considered and hence, prayed to dismiss the appeal.

7. On perusal of the entire material available on record and having regard to the facts and circumstances of the case, the tribunal rightly dismissed the claim petition and hence, needs no interference of this Court. Accordingly, the appeal filed by the claimants is liable to be dismissed.

8. In view of the above, the appeal is dismissed confirming the order and decree dated 19.01.2006 passed by the Motor Accidents Claims Tribunal-cum-VII Additional District Judge, FTC, Nizamabad in M.V.O.P.No.1503 of 2001. There shall be no order as to costs.

Miscellaneous petitions if any, shall stand closed.

T.AMARNATH GOUD,J

Date: 06.11.2019
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