

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.809 OF 2006

JUDGMENT:

This appeal is preferred by the appellants/claimants questioning the order of the Motor Accident Claims Tribunal (III Additional District Judge) (FTC), Nizamabad (for short, the Tribunal) in O.P.No.590 of 2001 dated 17.10.2005.

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 the deceased-Banoth Padma was the daughter of the petitioners. On 02.05.2000 while the deceased was standing by the side of the road in front of their hotel at Megyanaik Thanda in Gannaram Village, at 2.00 p.m., a TATA Sumo jeep bearing No.MH-08-B-711 came in a rash and negligent manner at a high speed from Sirnapally side and gave dash to her. As a result of it, she fell down and front wheel of the jeep ran over her. Due to that, she sustained crush injuries to the head and other parts of the body and died on the spot. Thus, the accident was occurred due to rash and negligent driving of the driver of the offending jeep. Prior to the accident, the deceased was working in a hotel and was earning Rs.3,000/- per month and contributing the entire amount to her parents, who are dependents on her. Hence, the petitioners filed the claim petition claiming compensation of Rs.2,00,000/-, payable

by both the respondents, being the owner and insurer of the offending jeep.

4. In the claim petition, both the respondents filed separate written statements denying the allegations and contended that the amount claimed by the claimants 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 evidence of P.Ws.1 to 3 & R.Ws.1 & 2 and documentary evidence of Exs.A-1 to A-4 and Exs.B-1 to B-7, the Tribunal dismissed the claim petition on the ground that though the evidence on record proved that the deceased died of motor vehicle accident, the vehicle was not traced out and hence, neither of the respondents are liable for payment of any compensation. Aggrieved by the said order, the appellants/claimants filed the present appeal.

6. Heard Sri P.Radhiv Reddy, learned counsel for the appellants and Sri Naresh Byrapaneni, learned standing counsel for the 2nd respondent/insurance company.

7. A perusal of the order reveals that the Tribunal passed a well considered order and needs no interference. Admittedly, the discrepancy with regard to the vehicle number as per Exs.B-3, B-4 & B-7 and the evidence of P.W.1 is not supporting the case of the claimants and the efforts made by the police and the certificates issued by the RTA authorities clearly indicate that

the crime vehicle number given by the claimants as Trax Jeep bearing No.MH-8-711 belongs to a two wheeler scooter in Ratnagiri and the vehicle No.MH-08-B-711 is a TATA Sumo Jeep.

8. In view of the above said discrepancy, the claim petition, which has been dismissed by the Tribunal, is upheld and the appeal is liable to be dismissed.

9. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed confirming the award and decree passed by the Tribunal. However, the appellants/claimants are at liberty to avail remedies available under law. No order as to costs.

Miscellaneous petitions pending, if any, shall stand dismissed.

T.AMARNATH GOUD, J

Date: 31st October, 2019

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