

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. NO.1782 OF 2006

JUDGMENT:

This appeal is preferred by the unsuccessful petitioner-claimant in O.P.No.1295 of 2003 questioning the order dated 12.05.2006 passed by the Chairman, Motor Accidents Claims Tribunal-cum-V Additional District Judge, Nizamabad (for short, the Tribunal), whereby the Tribunal dismissed the O.P. filed by the petitioner-claimant.

2. The brief facts of the case are that on 11.07.2000 during night hours at about 11.00 PM, while the appellant was proceeding to his agricultural fields from his house at Manchippa Village by walk on the main road, a scooter bearing No.AP 11 G 1245 came from behind in a rash and negligent manner with high speed and dashed him, as a result of which, he fell down on the road and received fracture injuries to his right leg and also all over the body. Immediately, he was shifted to Heera Orthopaedic Nursing Home, Nizamabad, where he took treatment till 29.07.2000 as inpatient and incurred an amount of Rs.50,000/- towards medicine. Due to accident, he sustained permanent disability. He therefore claimed an amount of Rs.1,00,000/- towards compensation payable by respondents 1 and 2 jointly and severally.

3. In the claim petition, the first respondent, owner of the crime vehicle, remained *ex parte*. The second respondent-insurance company filed its written statement denying the allegations and contended that the amount claimed by the claimants is highly excessive; that the rate of interest claimed is also excessive; that appellant did not produce sufficient documentary evidence to prove his case, 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 came to the conclusion that the appellant failed to prove his case with regard to the manner of accident and the nature and number of injuries, treatment, expenses incurred therefor by placing cogent, trustworthy and legal evidence. That apart, the Tribunal held that there was inordinate delay of 18 days in giving report to the police, which strengthened the stand of the contesting respondent. Though the crime vehicle was insured with the insurance company and the policy is in force as on the date of accident, in view of the falsehood of the appellant's case from the beginning, the appellant is not entitled to any compensation.

5. Heard.

6. A perusal of the order reveals that the Tribunal passed a well considered order by taking into consideration all the aspects. Therefore, I see no reason to interfere with the order of the Tribunal and the appeal is liable to be dismissed.

7. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed. Miscellaneous petitions pending, if any, shall stand dismissed. No order as to costs.

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T.AMARNATH GOUD, J

Date: 13-11-2019

GJ