

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 1180 OF 2006

JUDGMENT:

This appeal is directed by the claimant against the order and decree dated 01.09.2005 passed by the Motor Accidents Claims Tribunal-cum-VII Additional District Judge, FTC, Nizamabad in M.V.O.P.No.770 of 2000, whereby the tribunal dismissed the claim petition that on perusal of Ex.B.4 – charge sheet 32 persons received injuries and in the list of witnesses the name of the claimant is not found as injured though he was examined by the police and recorded his statement and that the claimant failed to prove that the accident occurred due to rash and negligent driving of the driver of vehicle bearing No.ATT 1737, for which he received injuries.

2. Before the tribunal, in order to prove the case of the claimant, he himself examined as PW.1 and marked Exs.A1 to A.3. On behalf of the respondents, RW.1 was examined and marked EX.B.1 to B.8.

3. Learned counsel appearing for the claimant contended that the tribunal failed to appreciate the evidence on record and hence, prayed to allow the appeal.

4. Learned standing counsel for the insurance company contended that the order passed by the tribunal is well considered and needs no interference of this Court.

5. On perusal of the entire material available on record and having regard to the facts and circumstances of the case, the name of the claimant was not found in the charge sheet or in the list of passengers and that the claimant failed to prove the accident due to rash and negligent driving of the driver of the crime vehicle and hence, the tribunal rightly rejected the claim of the claimant.

6. In view of the above, the appeal is dismissed confirming the order and decree dated 01.09.2005 passed in M.V.O.P.No.770 of 2000 by the Motor Accidents Claims Tribunal-cum-VII Additional District Judge, FTC, Nizamabad. There shall be no order as to costs.

Miscellaneous petitions if any, shall stand closed.

T.AMARNATH GOUD,J

Date: 12.11.2019
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