

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.2215 OF 2006

JUDGMENT:

This appeal is preferred by the appellant/petitioner/claimant questioning the order of the Chairman, Motor Accidents Claims Tribunal (V Additional District Judge) at Nizamabad (for short, the Tribunal) in O.P.No.160 of 2000 dated 25.04.2005.

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 04.09.1999 at about 4.00 p.m., while he was standing in front of bus stand of Nizamabad, the crime auto rickshaw bearing No.AP 25T 7650 came with high speed rashly and negligently from Gandhi Chowk side and dashed him. As such, he fell down and the front wheel of the auto run over him. He received left leg foot fracture at two places, fracture of left fibula. Besides that, he sustained head injury and injuries on other parts of the body. He was admitted to Government Hospital, Nizamabad, where Dr.T.Narsing Rao, Orthopaedic Surgeon, treated him. His left leg was operated and rod was inserted. So far, he has incurred Rs.80,000/-. The petitioner was aged about 45 years and prior to the accident, he was an agricultural labourer earning Rs.6,000/- per month. Due to the fracture injury sustained in the accident, he is unable to move from bed. He sustained permanent disability. Hence, the petitioner filed the claim petition claiming compensation of

Rs.1,60,000/-, payable by both the respondents, being the owner and insurer of the offending auto.

4. In the claim petition, the 1st respondent remained *ex parte*. The 2nd respondent filed written statement denying the allegations and contended that the amount claimed by the claimant is highly excessive and that they are not liable to pay any compensation and therefore prayed to dismiss the claim petition.

5. After considering the oral evidence of P.W.1 and documentary evidence of Exs.A-1 to A-3 & Ex.B-1, the Tribunal dismissed the claim petition on the ground that the petitioner failed to prove that the accident was caused by the crime auto. Aggrieved by the said order, the appellant/petitioner/claimant filed the present appeal.

6. Heard Sri S.Satyam Reddy, learned counsel for the appellant and Sri Ravi Shankar Jandhyala, learned standing counsel appearing for the 2nd respondent/insurance company. Perused the material record.

7. A perusal of the order reveals that the Tribunal has rightly dismissed the claim petition on the ground that the petitioner failed to prove that the accident was caused by the crime auto. Therefore, I see no reason to interfere with the order of the Tribunal and the appeal is liable to be dismissed.

8. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed confirming the order passed by the Tribunal in all respects. No order as to costs.

Miscellaneous petitions pending, if any, shall stand dismissed.

T.AMARNATH GOUD, J

Date: 22nd November, 2019

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