

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 2069 of 2006

JUDGMENT:

This appeal is directed by the claimant against the order and decree dated 22.06.2006 passed by the Motor Accidents Claims Tribunal-cum-II Additional District Judge, FTC, Adilabad in O.P.No.787 of 2003, whereby the tribunal dismissed the claim petition on the ground that the claimant has not filed any RC book or any other document relating to the said car that he is the owner of the car and hence, the claimant is not entitled for any damages.

2. Before the tribunal, Respondent No.2 – insurance company filed counter denying the claim of the claimant.

3. In order to prove the case of the claimant, before the tribunal, the claimant himself examined as PW.1 and marked Ex.A.1-attested copy of FIR, Ex.A.2-photos of damaged vehicle and A.3- bills for spare parts. No oral or documentary evidence was adduced on behalf of the respondents.

4. Learned counsel appearing for the claimant contended that though claimant examined as PW.1 and filed Exs.A1 to A3 in support of his case, the tribunal failed to award compensation and hence, prayed to grant just and proper compensation.

5. 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.

6. 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 as the claimant failed to file any document to show that he is the owner of the car and that Ex.A3 is not a bill issued by any mechanic that the claimant incurred that much amount though Ex.A.2- photos show that the said car damaged in the accident. Accordingly, the appeal filed by the claimant is liable to be dismissed.

7. In view of the above, the appeal is dismissed confirming the order and decree dated 22.06.2006 passed by the Motor Accidents Claims Tribunal-cum-II Additional District Judge, FTC, Adilabad in O.P.No.787 of 2003. There shall be no order as to costs.

Miscellaneous petitions if any, shall stand closed.

T.AMARNATH GOUD,J

Date: 21.11.2019
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