THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.1038 OF 2015

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the award and decree dated 20-12-2013 passed in M.V.O.P.No.277 of 2008 by the Chairman, Motor Vehicle Accidents Claims Tribunal-cum-XVII Additional Chief Judge-cum-III Additional M.S.J., Hyderabad (for short, the Tribunal).

2. The brief facts of the case are that on 14.3.2006 at about 8.30 AM., when the petitioner was going on Hero Honda Motorcycle bearing No.AP28AP 6021 and when he reached Durganagar cross roads, an unknown car dashed the motorcycle and went away. As a result, the claimant sustained injuries. He filed the above O.P., claiming compensation of Rs.2,00,000/- for the injuries sustained by him.

3. The respondent filed a counter denying the allegations made in the claim petition *inter alia* contending that the amount of compensation claimed by the claimant is excessive, exorbitant, imaginary and out of proportion. It is a case of hit and run and that the Tribunal has no jurisdiction to decide the issue and therefore sought to dismiss the petition.

4. During the course of trial, the claimant examined P.Ws.1 and 2 and got marked Exs.A1 to A10. On behalf of the respondent, RWs.1 to 3 were examined and Exs.B1 to B3 and Ex.X1 were marked.

5. After considering the material on record and the evidence adduced by both the parties, the Tribunal dismissed the O.P. Being aggrieved by the said award, the claimant preferred the present appeal.

6. Heard Sri Maniklal Yadav, learned counsel for the appellant and Sri A.Ramakrishna Reddy, learned counsel appearing for the respondent-insurance company.

7. It is the case of the claimant that while he was going on a Hero Honda motorcycle bearing No.AP28AP 6021, which is insured with the respondent-insurance company, an unknown car dashed his motorcycle and that he suffered injuries. He raised a claim against his own insurance company, which is not permissible under law for granting any compensation. In the above factual matrix, the Tribunal has passed a well considered order and it needs no interference. More over in the light of the judgment in **DHANRAJ V. NEW INDIA ASSURANCE CO.LTD[1],** wherein it was held that an insurance policy does not require an insurance company to assume risk of death or bodily injury to the owner of the vehicle; such an insurance policy is only to indemnify the insured against liabilities incurred towards a third person or in respect of damages to property; an owner of a vehicle can only claim a payout in respect of bodily injury to himself provided he is specifically covered by the policy in question; and on facts, it was not shown that the particular policy covered any risk of injury to the owner himself.

[1] (2004) 8 SCC 553

9. In view of the facts and circumstances of the case, the appeal is dismissed. Miscellaneous petitions pending if any shall stand closed. No order as to costs.

T.AMARNATH GOUD, J

Date: 25-01-2019.
Shr