

**THE HON'BLE SRI JUSTICE T.AMARNATH GOUD**

**M.A.C.M.A.No.1943 OF 2005**

**JUDGMENT:**

This appeal is preferred by the appellant/claimant questioning the order of the Motor Vehicles Accidents Claims Tribunal-cum-V Additional Chief Judge, City Civil Court, Hyderabad (for short, the Tribunal) in O.P.No.1257 of 2001 dated 04.01.2005.

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 11.11.2000 at about 3.15 p.m. while the petitioner was going on the scooter bearing No.AP 10N 3453 as a pillion rider from Amberpet to Tirumulgherry, a scooter bearing No.AP 10M 1503, driven by its rider in a rash and negligent manner came from opposite direction dashed against the scooter on which the petitioner was traveling as a pillion rider near Batkammakunta and due to the said accident, the petitioner fell down and received injuries. Due to the said accident, the petitioner spent huge amount for treatment and medicines. Hence, the petitioner filed the claim petition claiming compensation of Rs.1,50,000/-, payable by both the respondents, being the owner and insurer of the offending scooter.

4. In the claim petition, the 1<sup>st</sup> respondent remained *ex parte*. The 2<sup>nd</sup> respondent filed a counter 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.Ws.1 & 2 and documentary evidence of Exs.A-1 to A-10, the Tribunal dismissed the claim petition on the ground that the petitioner failed to establish that the scooter bearing No.AP 10N 1503 is involved in the accident. Aggrieved by the said order, the appellant/claimant filed the present appeal.

6. Heard.

7. A perusal of the order reveals that the Tribunal passed a well considered order and rightly rejected the claim petition as the petitioner failed to establish that the crime vehicle was insured with the 2<sup>nd</sup> respondent/insurance company and in the evidence available on record show that the scooter bearing No.AP 10M 1503 dashed against the scooter of the petitioner and it is noted in the petition that the 1<sup>st</sup> respondent is the owner of the scooter bearing No.AP 10N 1503 and thus, the 1<sup>st</sup> respondent is also not liable to pay compensation to the petitioner. 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 award and decree passed by the Tribunal. No order as to costs.

Miscellaneous petitions pending, if any, shall stand dismissed.

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**T.AMARNATH GOUD, J**

Date: 11<sup>th</sup> November, 2019

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