

HEADING OF DECISION IN A MAC CASE.
DISTRICT: DHENKANAL.

IN THE COURT OF THE FIRST MACT-CUM-DISTRICT
JUDGE, DHENKANAL.

P r e s e n t:-

***Smt.Pranita Mohanty., LL.B.,
1st. MACT-cum-District Judge,
D h e n k a n a l.***

M.A.C. Case No. 152 of 1994

Sri Banchhanidhi Prusty, aged 22 years, S/o.Girichari Prusty,
Bhuban Telikula Patana, P.O./P.S.Bhuban, Dist.Dhenkanal.

... .. Petitioner.

-Versus-

1. Sri Biswanath Nayak, S/o.Dhruba Ch. Nayak, Village-
Barjanga, P.O.Bhuban, P.S.Bhuban,
District.Dhenkanal.
2. Bidyadhar Nanda, S/o.Kalinath Nanda,
Village.Anantapur, P.O./P.S..Kamakhyanagar,
Dist.Dhenkanal.
3. Branch Manager, National Insurance Co. Ltd.,
Kunjakanta, P.O./P.S./Dist.Dhenkanal.
4. Branch Manager, National Insurance Co. Ltd,
At/P.O.Dist.Dhenkanal.

..... Opp. Parties.

For the petitioner: Sri B.K Mishra & Associates,
Advocates, Dhenkanal.

For the O.P. No. 1: Sri A.Mishra and Associates,
Advocates, Dhenkanal.

For the O.P. No 2: Ex-parte.

For the O.P No.3 & 4 Ex-parte.

Date of Argument: 05.07.2018

Date of Judgment: 25.07.2018

J U D G M E N T

This is a petition U/s.166 of the M.V Act filed by one Banchhanidhi Prusty claiming compensation for the injuries sustained by him in a motor accident against the owners and insurers of the offending vehicle.

2. The petitioner has advanced a claim of Rs.1,50,000/- for the grievous injuries and pain suffered by him. The averments of the petitioner in the claim petition in short is that on 18.06.1994 at about 8.00 PM, while the injured-petitioner was proceeding from Bhuban to Parjang in a Trekker bearing Regd. No.OR-06-9397, the said vehicle came from the off side direction of the road due to rash and negligent driving by its errant driver. As a result of which, the petitioner sustained serious injuries on his head and on different parts of the body. Immediately, he was shifted to Bhuban Govt. Hospital and then shifted to Govt. Hospital, Cuttack for better treatment. During hospitalization, he had spent Rs.10,000/- towards his treatment.

At the time of accident, the petitioner was working as a cloth business man and from that business, he was getting Rs.3000/- per month as income. Out of the said income, he was maintaining his family. After the accident, he suffered a great difficulties in the entire family.

The offending vehicles had valid insurance policy and the drivers had valid driving licence at the time of accident. Hence, he filed the claim petition claiming Rs.1,50,000/- as compensation from all the O.Ps.

3. Being noticed, the owner of the offending vehicle i.e. O.P No.1 appeared through his counsel and but did not file any written statement. The insurance companies appeared through their counsels and filed written statements, denying the allegations and their liability to pay the compensation. The specific plea of the insurance company was that in absence of any document filed by the petitioner, no responsibility can be fixed on them for payment of compensation.

4. On the rival pleadings of the parties, the following issues were framed:-

ISSUES

- (1) ***Whether the accident took place on 18.06.1994 at about 8.00 PM evening near Bhusan Chhak, due to the rash and negligent driving of the offending vehicle bearing Regd. No.OR-06-9397 and OR-04-4414 (Trekker) sustaining injuries to the petitioner?***
 - (2) ***Whether the petitioner is entitled to get any compensation? If so from whom and to what extent?***
 - (3) ***To what reliefs, if any, the petitioner is entitled?***
5. When the matter was called for hearing, the petitioner opted not to adduce any oral or documentary evidence. The case of the petitioner having not been substantiated, it is held that the petitioner has failed to establish the claim as prayed for in the claim petition. Hence, it is ordered:

ORDER

The M.A.C. be and the same is dismissed against O.P No.1 and ex parte against O.Ps No.2, 3 and 4 with a **NIL** award.

Delivered in the open Court, this the 25th day of July,
2018.

1st. MACT-cum-District Judge,
Dhenkanal.
25.07.2018

Dictated and corrected by me.

1st. MACT-cum-District Judge,
Dhenkanal.
25.07.2018

List of witnesses examined for petitioner:
NONE

For the O.Ps.
NONE

List of documents, admitted into evidence for petitioner
NIL

For the O.Ps.
NIL

1st.MACT-cum-District Judge,
Dhenkanal.
25.07.2018