

APHC010271472023



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3333]

TUESDAY, THE SEVENTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 291 OF 2023

Between:

1. YERRAGUTLA MANJU BHARGAVI REDDY, S/O KRISHNA REDDY,
AGED 25 YEARS, OWNER OF CAR AP05-DC-7689, D. NO. 28-3-169-
1, SARADA NAGAR, 1ST MAIN 2ND LEFT, ANANTHAPURAM CITY
ANANTHAPURAM DISTRICT

...APPELLANT

AND

1. NAGA CHANDRA MOHAN, S/O VENKATA RAMAIAH, 22 YEARS,
HINDU, EVR PALLI, VR PAIN GUDURU, NELLORE DISTRICT.
(DRIVER OF CRIME VEHICLE AP03-BZ-3671)

2. BANDI DEVARAJU REDDY, S/O DORASWAMY REDDY, MAJOR, D.
NO 2-126, PERURU, TIRUPATI RURAL MANDAL, CHITTOOR
DISTRICT. (OWNER OF CRIME VEHICLE AP-03-BZ-3671)

3. THE DIVISIONAL MANAGER, THE UNITED INDIA INSURANCE
COMPANY LIMITED, ANANTHAPURAM (INSURER OF THE CRIME
VEHICLE AP-03-BZ-3671)

4. THE DIVISIONAL MANAGER, THE NATIONAL INSURANCE
COMPANY LIMITED, ANANTHAPURAM

...RESPONDENT(S):

Counsel for the Appellant:

1. Y BHAGYALAKSHMI REDDY

Counsel for the Respondent(S):

1.N RAMA KRISHNA

2.

The Court made the following:**JUDGMENT:-**

The Appellant/Claimant filed the present Appeal aggrieved by the dismissal order and decree 30.01.2023 in M.V.O.P.No.29 of 2019 on the file of the Court of the Motor Accidents Claims Tribunal-cum- VII Additional District Judge, West Godavari at Eluru, claiming damages for the vehicle of the Claimant i.e car bearing No. AP 05 DC 7689.

2. For the purpose of convenience, the parties will be referred to as they are arrayed before the Tribunal.

3. The case of the Petitioner is briefly as follows:

On 23.08.2018 at about 7.00 p.m when the vehicle No.AP 05 DC 7689 was driven by one C. Gangi Reddy to go to Peeleru to attend marriage from Madanapalli and when the said vehicle crossed CTM village at about 7.30 p.m by going on the left side of the road and when at the time of crossing speed breaker slowly, the crime vehicle No. AP 03 3671 Bolero came on back with high speed and in a rash and negligent manner without blowing any horn and without following any road rules and regulations, dashed the Claimant's vehicle from back side. As a result, the Claimant's vehicle got damaged heavily along with front engine and due to that impact, the damaged vehicle

also hit another vehicle, which was going in front of the damaged vehicle. The front vehicle bearing No. AP 03 BZ 6996 got damaged. The Madanapalli Police registered a case in Crime No. 134 of 2018 for the offence punishable under Section 279 of IPC. The Claimant got shifted the damaged vehicle shifted to Anantapuram by paying an amount of Rs. 12,000/- and got it repaired by spending an amount of Rs. 1,56,463/-. The Respondent No.4 paid an amount of Rs. 1,02,500/- to M/s Sri Durga Maruti Automotives Pvt., Ltd., as his insurer. Therefore, the Claimant seeking compensation from the Respondents No.1 to 4.

4. Before the Tribunal, Respondents No.1 and 2 remained *ex parte*.

5. Respondent No.3/ Insurance Company filed Written Statement contending that the Petition is bad for non joinder of driver and insurer of the front vehicle and the Respondent No.1 was not having valid and effective driving license, thereby violated the terms and conditions of the policy. The Claimant is not the owner of the damaged vehicle and also denied the registration of crime against the Respondent No.1. Therefore, the Respondent No.3 is not liable to pay compensation.

6. Basing on the pleadings, the Tribunal framed the following issues for trial:

"1. Whether the petitioner's vehicle bearing No. AP 05 DC 7689 is damaged in the road accident on 23.08.2018 at about 7.00 p.m at the place mentioned due to rash and negligent driving of the driver of Bolero vehicle No. AP 03 B 3671?"

2. Whether the Petitioner is entitled for compensation?

3. To what relief?"

7. On behalf of the Claimants, P.Ws 1 and 2 were examined and Exs.A1 to A3 were marked. On behalf of respondent No.3/Insurance Company, R.W.1 was examined and marked Ex.B1 policy.

8. After hearing both parties and after considering the oral and documentary evidence on record, the Tribunal dismissed the claim petition against Respondents.

9. Aggrieved by the said award, the Respondent No.3/ Insurance Company preferred this appeal contending that the Tribunal erred in ordering compensation to the Claimant without proper assessing the material available on record i.e Ex.A3 (copies of bills) with regard to damages of the vehicle, that the Respondent did not examine the Investigating Officer, who filed report against the driver to disprove the ownership and the Tribunal miserably failed without examining any witness regarding ownership. As such, requested to allow the Appeal by awarding compensation of Rs. 1,00,000/-.

10. On the other hand, learned counsel for the Respondent No.3 herein have supported the impugned award and prayed to dismiss the appeal.

11. Now the point for consideration is:

Whether the order of the Tribunal needs any interference?

POINT:

12. On perusal of the Award, it can be observed that the Claimant got himself examined as PW-1 and explained regarding nature of the accident. However, during the course of cross-examination, he elicited that he is not an eye-witness to the accident, but admitted the fact that the front engine part was damaged and front bumper was damaged and he got the vehicle insured with Respondent No.4. He further admitted that Respondent No.4 reimbursed all the bills after completion of spot inspection and final inspection and re-inspection and paid an amount of Rs.1,02,500/- to M/s Sri Durga Maruti Automotives Pvt., Ltd., as its insurer. Apart from his evidence, he also got examined PW-2, who drove the car at the time of accident and during his cross examination has elicited that he drove the car at the time of accident and that his back side vehicle hit his car when he applied for break at the speed breaker. The Respondents got examined RW-1 and marked Ex.B1 policy. RW-1 admitted regarding offending vehicle insured with Respondent No.3 as on the date of accident. Ex.B1 policy was in force. The Tribunal considering the evidence of PWs 1 and 2 and Ex.A1 and A2, answered the issuing No.1 holding that the accident occurred on 23.08.2018 leading to the damage to the vehicle bearing No. AP 05 DC 7689 due to rash and negligent driving of the Respondent No.1.

13. Coming to the issue No.2 with regard to payment of compensation for damages of the vehicle. It is an admitted fact that even as per the case of the Claimant that he already received an amount of Rs. 1,02,500/- from the

Respondent No.4 for repair charges for the damaged vehicle being insured. Now, with regard to non payment of an amount of Rs. 1,56,463/- towards repair costs as per Ex.A3 i.e copies of bills, the Tribunal held that the Tax Invoice for the damaged vehicle stands in the name of Mr. Shaik Ghouse Peer. At the end of Ex.A3, the name of the Claimant is shown as 'customer name'. The Court held that the customer is different from the owner and when the Respondent No.3 challenges the ownership of the Claimant for the damaged vehicle bearing No. AP 05 DC 7689, then the Claimant is supposed to file Registration Certificate of the damaged car bearing No. AP 05 DC 7689. In the absence of registered ownership particulars of the damaged car, the Claimant is not entitled for any compensation, since his ownership particulars for the damaged car was not established with credible evidence and Ex.A3 does not establish the ownership particulars of the damaged car and dismissed the claim petition filed by the Claimant, which in the opinion of this Court is rightly considered by the Tribunal and needs no interference.

14. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed. There shall be no order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE V.SUJATHA

Date: 07.04.2026

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