

APHC010353722019

IN THE HIGH COURT OF ANDHRA



PRADESH

AT AMARAVATI

[3505]

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT**THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR****MOTOR ACCIDENT CIVIL MISCELLANEOUS****APPEAL No.1100/2019****Between:**

1. ORIENTAL INSURANCE COMPANY, DIVISIONAL OFFICE -
II, SIDDARTHA WOMEN'S COLLEGE ROAD, LABBIPETA,
VIJAYAWADA, KRISHNA DISTRICT. REP. BY ITS
DIVISIONAL MANAGER, T.P.HUB, VIJAYAWADA

...APPELLANT**AND**

1. DONDAPATI SYAM SAMUEL, S/O .VINODA RAO, HINDU,
AGED 46 YEARS, TAXI DRIVER, R/O BHUSHAGULLA,
GUDIVADA MANDAL, KRISHNA DISTRICT, A.P.
2. UPPU SRINIVASA RAO, S/O CHELAMAIAH, HINDU, AGED
43 YEARS, DRIVER OF CRIME VEHICLE, R/O DOOR
NO.67-1-20, DARSIPETA, PATAMATA, VIJAYAWADA,
KRISHNA DISTRICT, A.P.
3. E DORA BABU, S/O ARJUNA RAO, HINDU, AGED ABOUT
56 YEARS, PROPERTIES, R/ O DULLAVARI STREET,
KAKINADA, EAST GODAVARI DISTRICT, A.P

...RESPONDENT(S):

Appeal filed under Order 41 of CPC praying that the Highcourt
may be pleased to allow the appeal by setting aside the
Decree and Judgment dated 25-01-2019 passed in M.V.O.P.No. 90

of 2011 on the file of the Chairman, Motor Accident Claims Tribunal-cum-XI Additional District Judge, Krishna, Gudivada and pass

IA NO: 1 OF 2019

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to condone the Delay of 173 days caused in filing an appeal against the Decree and Judgment dated 25-01-2019 Passed in M.V.O.P.No. 90 of 2011 on the file of the Chairman, Motor Accident Claims Tribunal-cum-XI Additional District Judge, Krishna, Gudivada and pass

IA NO: 2 OF 2019

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to STAY all further proceedings in the Decree and Judgment dated 25-01-2019 passed in M.V.O.P.No. 90 of 2011 on the file of the Chairman, Motor Accident Claims Tribunal-cum-XI Additional District Judge, Krishna, Gudivada and pass

Counsel for the Appellant:

1.K MADHUSUDHAN REDDY

Counsel for the Respondent(S):

1.TURAGA SAI SURYA

The Court made the following:

HON'BLE SRI JUSTICE T.C.D. SEKHAR**MACMA No.1100 OF 2019****JUDGMENT:-**

1. The present appeal is filed by Oriental Insurance Company Limited, aggrieved by order dated 25.01.2019 in MVOP No.90 of 2011, on the file of Motor Accident Claims Tribunal-cum-XI Additional District Judge, Krishna in Gudivada. The claimant filed petition under Section 163-A of Motor Vehicles Act claiming compensation of Rs.7,00,000/- for the injuries sustained by him in the accident that was occurred on 20.02.2009 in which the offending bus bearing Registration No.KA01C 4332 was involved.

2. After enquiry, the Tribunal by impugned order awarded compensation of Rs.5,59,000/- together with interest @ 7.5% per annum from the date of petition till the date of deposit.

3. The present appeal is filed on the ground that the appellant is not liable to pay compensation inasmuch as the petitioner along with two (02) others were triple riding the motorcycle bearing Registration No.AP16AR 3547 during the time of accident. It is specific contention of the counsel for the appellant that the petitioner along with two (02) others were under the influence of alcohol and in view of the rash and negligent driving of the

motorcycle, the accident was occurred. He would further submit that, on perusal of the contents of the complaint given to the police, it was categorically averred therein that there was triple riding and all of them were under the influence of alcohol at the time of accident.

4. On the other hand, the counsel appearing for the respondent would contend that the contents of the complaint cannot be looked into, inasmuch as PW-1, who gave the complaint, has categorically denied the suggestion that he was under the influence of alcohol during the time of accident. She would further submit that nothing is placed on record to show that the petitioner and other (02) persons were under the influence of alcohol. In the absence of any material, the contention of the appellant is liable to be rejected.

5. On perusal of the record, it is clear that though it is contended by the appellant that the petitioner and other (02) persons were under the influence of alcohol, admittedly, the appellant Insurance-Company has miserably failed to establish the same by adducing either oral evidence or by marking the documentary evidence. Apart from the same, the Tribunal had given categorical finding based on the evidence that PW-1, who denied the suggestion made by the Insurance-Company during the cross examination that he was under the influence of alcohol. Further,

Doctor, who examined the petitioner also, did not express any opinion that the petitioner was in drunken condition at the time of accident. Further though PW-1 was cross-examined at length, nothing was elicited to disprove his evidence. The Tribunal by taking into consideration of the evidence of PW-1 coupled with the Exs.A1, A3 and A4 had given categorical finding that the accident was occurred due to the rash and negligent driving of the driver of the offending bus. Further, to prove that, the petitioner and the rider of the motorcycle were under the influence of alcohol, steps should have taken by sending their blood samples for medical examination. In such circumstances, the contention of the appellant cannot be believed and the same is rejected. The reasons recorded by the Tribunal do not warrant interfere by this Court.

6. For the reasons recorded supra, there are no merits in the appeal and accordingly the same is dismissed. There shall be no order as to costs.

As a sequel, pending applications, if any, shall stand closed.

JUSTICE T.C.D. SEKHAR

18.02.2026
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THE HONOURABLE SRI JUSTICE T.C.D. SEKHAR

MACMA No.1100 of 2019
Date 18.02.2026

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