APHC010227892011

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3396]**
(Special Original Jurisdiction)

TUESDAY, THE 13th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 2453/2011

Between:

1. SYED KAJA VALI, S/O. BUDE SAHEB, R/O. VEMULURIPADU PHIRANGIPURAM MANDAL GUNTUR.
2. SYED GUDUBI, S/O. KAJA VALI, R/O. VEMULURIPADU PHIRANGIPURAM MANDAL GUNTUR.
3. SYED BAJI, D/O. KAJA VALI R/O. VEMULURIPADU PHIRANGIPURAM MANDAL, GUNTUR DISTRICT (RR 2 AND 3 ARE BRING MINORS REP. BY THEIR FATHER.

...APPELLANT(S)

AND

1. BOYAPATI ATISH AND ANOTHER, S/O.LAKSHMI KRISHNA PRASAD D.NO. 6-10-69/1 22ND WARD, BESIDE IBP PETROL BUNK REPALLE, GUNTUR DISTRICT.
2. THE ORIENTAL INSURANCE COMPANY LTD, REP. BY ITS DIVISIONAL MANAGER, DIVISIONAL OFFICE KOTHAPETA, GUNTUR.

...RESPONDENT(S):

Counsel for the Appellant(S):

1. G L NAGESWAR RAO

Counsel for the Respondent(S):

1. R VENKAT RAO

The Court made the following:

JUDGMENT:

1. This appeal is preferred under Section 173 of the Motor Vehicles Act, 1988 (for short "M.V.Act") by the Appellants - Claimants against the Order and Decree dated 06.11.2009 passed by the Chairman, Motor Accidents Claims Tribunal-cum-District Judge, Guntur (for short "the Tribunal"), in M.V.O.P.No.450 of 2008 dismissing the petition.

2. For the sake of convenience, the parties are hereinafter referred to as they are arrayed before the Tribunal.

3. The case of the Petitioners / Claimants, in brief, is as follows:

(a) On 07.11.2007 at about 6.00 a.m., while Shyed Shahera @ Sahida – the deceased was proceeding towards a well which is situated on the other side of the road in the village for bringing drinking water, the Mahindra Pickup Van bearing No.AP 7 TT 6721 being driven by its driver in a rash and negligent manner at a high speed came from Guntur side and hit her. As a result, she sustained grievous injuries and while undergoing treatment, she died on the same day. A case was registered against the Van driver for the offence under Section 304-A IPC.

(b) As such, the Claimants, who are the husband and children of the deceased filed a petition claiming compensation of Rs.4,00,000/- in view of the death of the deceased in the said accident.

(c) On appreciation of the evidence, the learned Tribunal dismissed the petition on the ground that the vehicle bearing No.AP 7 TT 6721 was not involved in the accident.

(d) Aggrieved by the said dismissal order, the Claimants filed the present appeal claiming just and reasonable compensation.

4. Heard Sri G.L.Nageswara Rao, learned counsel for the Appellants and Sri R.Venkata Rao, learned Standing Counsel for Respondent No.2 / Insurance Company. Respondent No.1 remained *ex parte* before the Tribunal.

5. Learned counsel for the Appellants / Claimants would submit that the learned Tribunal dismissed the claim observing that the accident had taken place at about 6.00 a.m., on the State Highway. It is further submitted that P.W.1 is an eye witness to the occurrence. He reported to the Police on the same day at about 8.25 a.m., and the contents of Ex.A.1 / FIR would show that the vehicle involved in the accident is AP 16 U 7211. Learned counsel would further submit that, because the charge sheet is filed against the driver of the vehicle bearing No.AP 7 TT 6721, the Claimants have shown the owner and insurer of the said vehicle as Respondents. It is further contended that, opportunity may be given to the Claimants to prosecute their claim before the Tribunal by impleading the proper persons, who are the owner and insurer of the vehicle bearing No.AP 16 U 7211.

6. Learned counsel for Respondent No.2 / Insurer would submit that the Court may pass appropriate orders since the claim is dismissed against the owner and insurer of the vehicle bearing No.AP 7 TT 6721.

7. Having heard the submissions and on perusal of the material on record, this Court is of the considered view that this matter needs to be remained by giving an opportunity to the Claimants to implead the owner and insurer of the vehicle bearing No.AP 16 U 7211.

8. P.W.1 is an eye witness to the accident that occurred on 07.11.2007 at 6.00 a.m. He reported to the Police immediately at 8.25 a.m. The contents of Ex.A.1 / FIR would show that he chased the crime vehicle and noted its number as AP 16 U 7211. P.W.2 is a Police Official who filed charge sheet on another vehicle bearing No.AP 7 TT 6721. R.W.2 is then-then Sub-Inspector of Police, Phirangipuram Police Station, who registered a case in Crime No.89 of 2005 and issued FIR in this matter. According to R.W.2, her successor in office filed charge sheet against the Accused. As per the contents of Ex.A.1 / FIR, the crime vehicle is AP 16 U 7211. She further deposed that, even as per the case diary, the same vehicle involved in the accident and it was a hit and run case and that they could know the name of the driver. In the cross examination she stated that she cannot say whether the vehicle number given in the FIR is the correct crime vehicle or not. She further deposed that the owner of the vehicle was shown as witness L.W.6 in the charge sheet.

9. The evidence of P.W.1 and R.W.2 makes it clear that it is a case of hit and run and the Claimants have furnished the number of the vehicle as AP 16 U 7211 stating that P.W.1 chased the vehicle and noted its number. Such being the case, the learned Tribunal rightly dismissed the claim against the Respondents, who are the owner and insurer of the vehicle bearing AP 7 TT 6721 and another vehicle was subsequently introduced without any positive evidence.

10. In the light of the aforementioned discussion, as requested by the learned counsel for the Appellants, since the Appellants are the husband and

children of the deceased, in the interest of justice, the MACMA is disposed of and the matter is remanded to the learned Tribunal. The Claimants are at liberty to implead the owner and insurer of the vehicle which is involved in the accident as per their case. The learned Tribunal is directed to dispose of the matter as expeditiously as possible preferably within a period of three (03) months from the date of receipt of copy of this judgment. The Tribunal need not issue any notice to the Claimants and they can appear before the Tribunal on 27.10.2026 and prosecute their matter by filing implead petition. Registry is directed to send back the file to the Tribunal forthwith.

Miscellaneous petitions pending, if any, stand closed.

Dr.JUSTICE VENKATA JYOTHIRMAI PRATAPA

Date:13.10.2026
Dinesh

THE HON'BLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

M.A.C.M.A.No.2453 of 2011

DATE:13.10.2026

Dinesh