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IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO. 230 OF 2015
IN
FIRST APPEAL NO. 1 OF 2012

Sangappa Veerappa Tenginakai (major)
S/o Veerappa Tenginakai,
r/o Camarcazana, H.No.8,
Mapusa Goa.

.... Applicant

V e r s u s

1. The Branch Manager,
Bajaj Alliance General Insurance,
Co. Ltd., at 3C-D-Sesa Ghor,
20 Patto Plaza,
Panjim 403 001 Ph. 6655555

2. Shamim M. Habib (Major)(Exparte)
r/o Karaswada, Mapusa Goa.
Mobile No. 9422642464

.... Respondents

Applicant in person.

Mr. N. Govekar, Advocate for respondent no.1.

CORAM : K. L. WADANE, J

ORDER RESERVED ON : 09.10.2015

ORDER PRONOUNCED ON : 12.10.2015

O R D E R :

Heard the applicant in person and Mr. N. Govekar, learned
counsel appearing for the respondent no.1.

2. The applicant has filed this application seeking a certificate under Article 134A of the Constitution of India. The Claim Petition of the applicant bearing Claim Petition No. 35/2009 was dismissed by the Presiding Officer of the Motor Accident Claims Tribunal, Mapusa on 17.10.2011. Being aggrieved with the same, the applicant filed First Appeal No. 1 of 2012 and after hearing both the sides, the same was dismissed on 12.02.2015. Hence, the applicant moved an application seeking certificate under Article 134A of the Constitution of India.

3. Perused the records, particularly the copy of the judgment delivered by this Court, from which it is seen that the Claim Petition of the applicant was dismissed on the ground that the applicant has failed to establish the negligence of the motorcycle driver and also failed to establish the disability caused to him. In addition to that there is inconsistency between the medical evidence and ocular evidence. On this ground, the Claim Petition as well as First Appeal of the applicant were dismissed. The applicant in person has failed to point out which substantial question of law is involved in the present matter to issue him a certificate as claimed. Further more, when the First Appeal was dismissed the applicant has not requested for such certificate.

4. Consequently, there is no substance in the application which stands accordingly rejected.

K. L. WADANE, J

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