

HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

M.A.C.M.A.No.38 of 2006

JUDGMENT:

Having got dissatisfied with the amount of Rs.5,000/-, as against the claim of Rs.3,50,000/-, laid under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act'), by the order dated 05.10.2002 in O.P.No.234 of 2000 on the file of the Chairman, Motor Accidents Claims Tribunal –cum- Principal District Judge, Nalgonda, the instant appeal is preferred seeking enhancement for the injuries sustained in a road accident on 21.09.1998 while the petitioner was travelling in jeep bearing No.AHV-3227 near Mariya Rani School, Crossing China Pendyala Village.

For convenience sake, the parties hereinafter referred to as they were arrayed before the Tribunal in the O.P.

The first respondent before the Tribunal did not file any counter and only the second respondent contested the claim raising various pleas.

The Tribunal framed three issues and examined the petitioner as PW.1 and marked Exs.A.1 to A.8. No witnesses were examined and no documents were filed on behalf of the second respondent – Insurance Company.

On appraisal of evidence on record, the Tribunal held issue No.1 in favour of the petitioner and on issue No.2, having elaborately discussed, granted Rs.5,000/- by assigning certain reasons, more particularly, that the petitioner has failed to file any documentary proof that he was treated in Mahatma Gandhi Memorial Hospital, Warangal, and, thereby, doubted the injuries sustained by the petitioner in a road accident as per the observation made by the Tribunal in paragraph '6' of the order.

Learned counsel for the petitioner has come up with MA.CMA.MP.No.999 of 2015 requesting the Court to receive certified copy of charge sheet; certified copy of requisition of police to Mahatma Gandhi Memorial Hospital, Warangal; and certified copy of X-ray opinion from Mahatma Gandhi Memorial Hospital, Warangal, which petition was ordered today receiving them as additional evidence under Order 41 Rule 27 CPC.

Since these documents require proof, in accordance with evidential rule, the matter is required to be remitted to the Tribunal for disposal by setting aside the order and decree passed by the Tribunal with a direction to dispose of the matter within a period of six months from the date of receipt of a copy of this order by affording chance to both sides to lead further evidence by recalling PW.1, and examining further witnesses if needed.

Accordingly, the Appeal is disposed of. No order as to costs.

Miscellaneous petitions pending, if any, shall stand disposed of.

A.SHANKAR NARAYANA,J

Date: 01.04.2015

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