

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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M.A.C.M.A.No.2076 of 2005

JUDGMENT:

The petitioner in O.P.No.1499 of 2005 on the file of the Motor Accident Claims Tribunal (V Additional District Judge) at Nizamabad (for short, Tribunal) is the appellant herein. He filed the said OP claiming a compensation of Rs.1,50,000/- for the injuries sustained by the him in a motor accident that occurred on 05.06.2001 when he was traveling in a tempo bearing No.MWP 1736 from Bodhan to Neela Village. When the tempo reached near Yedpally Village, the driver of the tempo driven it in a rash and negligent manner and dashed against a tree.

2. With regard to the compensation, the petitioner relied on Ex.A4 wound certificate issued by one Dr.T.Narsing Rao who was not examined. The Tribunal disbelieved Ex.A.4 wound certificate by observing as follows:

“ Firstly, the own document of the petitioner Ex.A-4 CC of wound certificate issued by government hospital, Nizamabad unequivocal terms speaks that the government doctor found four months old fracture of right femur. Further the doctor noticed that age of said injury is four months old. Therefore, it is manifestly clear that when police referred him to government hospital on 5-6-2001, which is the date of accident, the injury found by the doctor is not fresh injury but four month old injury. Therefore, it is vividly clear that the alleged injury claimed by the petitioner is not result of the accident in question. Therefore, at ab initio the claim of the petitioner with regard to sustaining injuries in the accident in question is false and untrustworthy. Adding to it, he pleaded and deposed before court exaggerated number of injuries and nature of injuries as well as treatment in government hospital as inpatient for about twenty days and also false claim of the operation in government hospital. Admittedly, the petitioner has not placed any record of government hospital for his alleged operation. Even otherwise also as per Ex.A-4 the sole fracture injury was found having aged about four months prior to the accident i.e., prior to 5-6-2001. Therefore, Ex.A-4 itself suffice to cut roots of the claim of the petitioner in toto.”

3. The Tribunal also took into consideration the observation made by this Court in CMA.No.3518 of 2004 dated 09.11.2004, wherein it was

observed that the Tribunal could not rely on the evidence of said Dr.T.Narsing Rao and Dr.Ramulu in awarding compensation. The Tribunal held that the tempo, which was involved in the accident, was a goods carrying vehicle and the insurance company is not liable to pay any compensation to the petitioner and accordingly dismissed the OP, by its award dated 30.05.2005.

4. In the absence of any evidence of the injuries sustained by the appellant, this Court is not inclined to interfere with the award of the Tribunal and accordingly the appeal is dismissed. Miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

Date: 10.12.2015
TJMR