

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

C.M.A. No.1480 OF 2004

JUDGMENT:

Seeking enhancement of compensation as the amount of Rs.55,000/- granted by the learned Chairman, Motor Accidents Claims Tribunal - cum - District Judge, Nizamabad (for short 'Tribunal'), in O.P. No.1498 of 2001, by order and decree, dated 12.01.2004, as against the claim of Rs.2,00,000/- laid under Section 166 of the Motor Vehicles Act, 1988 (for short 'Act'), the present appeal is preferred by the petitioner under Section 173 of the Act.

2. The appellant herein is the petitioner in the aforesaid O.P., while respondent Nos.1 and 2, who are owner and insurer of the scooter, respectively, are arrayed as such.

3. For the sake of convenience, the parties hereinafter referred to as they were arrayed in the OP.

4. Heard Sri K.M. Mahender Reddy, learned counsel for the petitioner, and Sri G. Vishweshwar Reddy, learned standing counsel for respondent No.2 - Insurer. Respondent No.1, since remained *ex parte*, his absence is of no consequence in deciding the present request.

5. The Tribunal, on the basis of the certificate issued by PW.2, by name Dr. L. Ramulu, awarded a total sum of Rs.50,000/- towards

pain and suffering and disability, and another sum of Rs.5,000/- towards medical expenses, despite recording that the petitioner has not filed any medical bills though, claim was laid for grant of Rs.1,00,000/- towards medical expenses.

6. In earlier orders, this Court assigned reasons observing that the disability certificates issued by PW.2 - Dr. L. Ramulu, cannot be looked into, and even his evidence itself was excluded. In fact, in earlier two or three orders I had occasion to record the finding to that effect, besides such observations being dealt with the certificate issued by him and observed that PW.2 is fabricating disability certificates by putting exaggerated percentage of disability. Even there was an occasion to look into the local Court's observations wherever PW.2 was examined. Such instances have come to the notice of this Court. Therefore, the disability certificate issued by PW.2 (Ex.C-1) is excluded from scrutiny.

7. As rightly contended by the learned standing counsel that there was no discharge summary to the effect that the petitioner was admitted and treated as in-patient by PW.2. In fact, the petitioner has not filed even the wound certificate issued by the local hospital i.e., Area Civil Hospital. In such an event, the amount of Rs.50,000/- granted by the Tribunal, besides Rs.5,000/- granted towards medical expenses has to be confirmed, dismissing the appeal.

8. The present appeal is, accordingly, dismissed confirming the order and decree passed by the Tribunal in all respects. There shall be no order as to costs.

As a sequel thereto, miscellaneous applications, if any, pending in the appeal, stand disposed of.

A. SHANKAR NARAYANA, J

October 26, 2017.

Mgr

