

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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M.A.C.M.A. No.2079 of 2005
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JUDGMENT:

The injured, who filed O.P. No.1053/2001 on the file of the Chairman, Motor Accidents Claims Tribunal-cum-IV Additional District Judge (Fast Track Court), Nizamabad (for short, 'the Tribunal'), filed the present appeal seeking award of compensation for the injuries sustained by him in a motor accident that occurred on 07.05.2001 at about 5.00 P.M. near turning of Bodigutta on NH-16 road in the limits of Ramchandrapalli Village, Nizamabad District.

Originally, the petitioner filed O.P. No.1053/2001 and after transfer from the Court of the learned I Additional District Judge, Nizamabad, it was taken up for consideration by the learned IV Additional District Judge, Nizamabad.

It was alleged in the petition that on 07.05.2001 when the petitioner and two others were travelling in an Auto bearing registration No.AP-25-T-9723 from Gupta X Roads to Armoor and they reached near the turning of Bodigutta on NH-16 road, a lorry bearing registration No.AP-21-T-2929 came from Armoor side in a rash and negligent manner and dashed the Auto, as a result of which the inmates in the Auto received injuries. The claim was filed for Rs.1,00,000/-.

The Tribunal, on the basis of evidence, held that the accident occurred due to rash and negligent driving of the driver of the lorry. However, with regard to the compensation, the Tribunal disbelieved the documentary evidence and dismissed the petition.

Ex.A1 is the Wound Certificate, Ex.A2 is the F.I.R and Ex.A3 is the Charge Sheet. In view of the Wound Certificate, issued by Dr. L.Ramulu, who was adversely commented upon by this Court in

C.M.A. No.3518/2004, the Tribunal addressed a letter to the Superintendent, Government Headquarters Hospital, Nizamabad, for production of case sheet and MLC Register dated 07.05.2001. The Superintendent, Government Headquarters Hospital addressed a letter stating that there is no entry in the MLC Register or Admission Register on 07.05.2001, but sent a copy of the Wound Certificate, which was available in the Hospital. The said Wound Certificate is same as Ex.A1. As per Ex.A1, the petitioner sustained two grievous injuries and one simple injury. Ex.A3-Charge Sheet shows that the petitioner is one of the injured in the said accident. The accident is proved and the petitioner sustained injuries in the said accident is also evidenced by the Charge Sheet. In the circumstances, the Tribunal should have taken into consideration the injuries sustained by the petitioner, though the Wound Certificate, issued by Dr.L.Ramulu, might have been exaggerated. However, the said Dr. L.Ramulu was working as In-charge Doctor of the Government Hospital on the date of accident. There is no corresponding medical record to show the admission of the petitioner in the hospital, his treatment and discharge.

In the circumstances, treating that the petitioner sustained some injuries in the accident and must have undergone pain and suffering, this Court feels that it is just and proper to award compensation of Rs.20,000/- (Rupees twenty thousand only) for the injuries sustained by the petitioner in the accident that occurred on 07.05.2001. The amount of compensation awarded shall carry interest @ 9% per annum from the date of petition till the date of realisation.

Accordingly, this Appeal is allowed by awarding compensation of Rs.20,000/-. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this appeal shall stand closed.

14.12.2015
MVA

A.RAMALINGESWARA RAO, J