

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

MACMA No.584 of 2010

JUDGMENT:

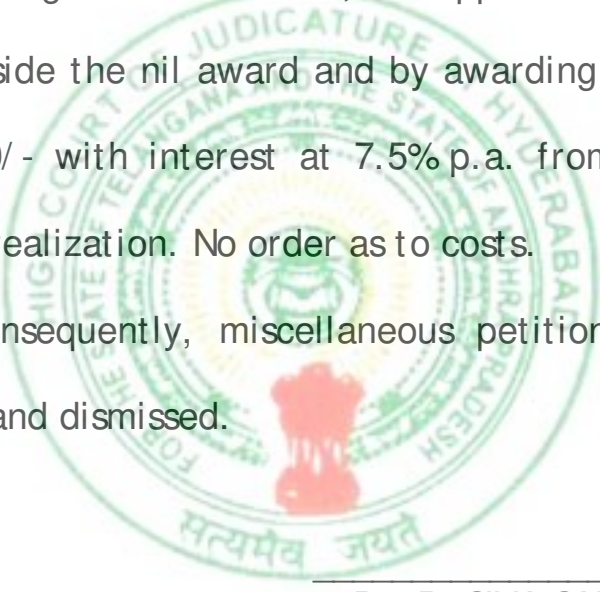
The injured claimant, working as Junior Assistant in M.R.O.Office, Malkapur, on 22.05.2003 at about 8.30 a.m. he along with his friend proceeding on his bike bearing No.AP 25H 1081, when they reached near NTR chowrastha, Nizamabad, another motor cycle bearing No.AP 25G 6041 while coming from behind hit his motor cycle, as a result, he fell down and sustained injuries and crime No.124 of 2003 under Section 337 I.P.C. by Traffic Police Station, Nizamabad, was registered and he maintained the claim under Section 166 of the Motor Vehicles Act (For short 'the Act') in O.P.No.305 of 2004 for a compensation of Rs.2,00,000/-, from the contest of respondents, the tribunal dismissed the claim holding that the doctor, who issued Ex.A3-medical certificate was not examined and PW.2-Dr.S.Prakash is not the doctor, who issued the said certificate and there is no proof of sustaining of any fractures and it is not a genuine claim. It is impugning the said nil award of dismissing the claim, present appeal is maintained by the injured.

2. Heard both sides and perused the material on record.

3. A perusal of the record shows that with no lapse of time after the accident, the report was given and the FIR registered of the crime supra. For the simple injuries, there is no report or X-ray filed much less referred in the wound certificate, to say, any fractures but for simple injuries and the charge sheet filed by the police under Section 337 IPC substantiating the same, the tribunal ought to have awarded for simple injuries instead of dismissing the claim in total.

4. Having regard to the above, the appeal is partly allowed by setting aside the nil award and by awarding compensation of Rs.10,000/- with interest at 7.5% p.a. from the date of petition till realization. No order as to costs.

5. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.



Dr. B. SIVA SANKARA RAO, J

Date:01.12.2016
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