

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

MACMA No.606 of 2008

JUDGMENT :

The claimant of O.P.No.70 of 2003 maintained against the driver-cum-owner of the auto bearing No.AP 25 T 9119 claiming compensation of Rs.2,00,000/- under Section 166 of the Motor Vehicles Act with the averments of he and his friend were proceeding on his motor cycle bearing No.AP 25 D 900 from Nizamabad to Basar and when they reached at Abangapatnam village, the auto of 1st respondent, due to rash and negligent driving, dashed the bike, as a result of which, himself and his friend fell down and the claimant sustained injuries. The Tribunal after evidence, disbelieved the so called fractures said to have been sustained including from the evidence of P.W-2, Dr.Narasing Rao, known for his incredibility and from so called disability certificate issued by him under Ex.A-4, awarded only compensation of Rs.5,000/- with interest at 7.5%p.a. which is now impugning with the contentions that the Tribunal should have been relied the evidence of P.W-2 and believed the disability certificate of P.W-2.

2) The 2nd respondent insured found served, failed to attend, the 1st respondent exparte even before the Tribunal and taken as heard for disposal of the appeal. Heard and perused the material on record.

3) The very F.I.R given by the claimant shows, that he sustained injuries to the right leg and right hand, whereas, the doctor certificate shows as if there is a fracture to the left shoulder that itself belies the claim and false certificate issued by the doctor that is the evidence when appreciated, the Tribunal came to the conclusion, sustained simple injuries, two in number, described by him in awarding the said compensation.

4) Having regard to the above, but for to enhance the compensation from Rs.5,000/- to Rs.10,000/-, there is nothing more for this Court to sit against and to interfere.

5) In the result, the appeal is partly allowed by enhancing the compensation from Rs.5,000/- to Rs.10,000/-. In all other respects, the award of the Tribunal holds good. There shall be no order as to costs.

6) Miscellaneous petitions, if any pending in this appeal, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

22.09.2016

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