

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

M.A.C.M.A.No.640 of 2010

JUDGMENT:

The injured claimant, who maintained the claim under Section 166 of the Motor Vehicles Act (for short 'the Act') for a compensation of Rs.1,00,000/- for the injuries allegedly sustained on 02.08.2005 at about 7.00 p.m. against the owner and insurer of the auto bearing No.AP 20V 5887, from the nil award passed by the tribunal in O.P.No.531 of 2006 dated 21.02.2009 maintained the appeal.

2. Heard the learned counsel for the claimant/ appellant and also the learned Standing Counsel for the insurer/ 2nd respondent, for 1st respondent owner even remained ex parte before the tribunal and not chosen to appear herein. Perused the material on record.

3. The tribunal from the evidence on record discussed that Ex.A1-FIR is dated 03.08.2005 alleging the injuries sustained on the previous night on 02.08.2005 at about 7 p.m. while returning along with another woman after attending calls of nature and crossing road, the auto belongs to the 1st respondent dashed her. In fact, Ex.A3-wound certificate of the Government Hospital shows the injured was brought by police constable on 06.08.2005 at about 11.50 a.m. and

already she was admitted for the injuries sustained on 01.08.2005, plaster of paris applied in the private nursing home and claimed injuries sustained on 01.08.2005 of road traffic accident. Suffice to say, there is no correlation to the alleged FIR contents of the injuries sustained on 02.08.2005 as the injuries sustained on 01.08.2005. Thereby it is a false implication and no taking place of the accident was disclosed on 02.08.2005 and once that was the conclusion arrived by the tribunal, for this Court while sitting in appeal, there is nothing to interfere much less to reverse the dismissal of the claim by the tribunal.

4. Accordingly, the appeal is dismissed. There is no order as to costs.

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

Dr. B. SIVA SANKARA RAO, J

Date:13.12.2016
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