

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

M.A.C.M.A No.198 OF 2010

JUDGMENT:

The injured claimant maintained M.V.O.P. No.133 of 2008 on the file of Motor Accidents Claims Tribunal-cum-VIII Additional District & Sessions Judge, Guntur, (for short 'the Tribunal') against two respondents i.e., owner and insurer of car bearing No.AP 16 AL 3779 for a compensation of Rs.2,00,000/- under Section 163-A of M.V.Act (for short 'the Act') for the injuries sustained by him in the motor accident dated 13.07.2007. From the contest of respondents, the Tribunal dismissed the claim having held that there is no evidence to prove that he sustained injuries in the accident and observed that the accident occurred due to self negligence of the petitioner. Impugning the dismissal award, the injured claimant maintained the present appeal.

2) Heard learned counsel for appellant—claimant and learned standing counsel for 2nd respondent—insurer. Perused the material on record.

3) The averments of the claim petition show that on 13.07.2007 the claimant and his friend were going on the motor bike No.AP 27 J 6290, at about 3.30 pm when they reached atchemmapalem, Narasaraopet Rural Mandal, the car of the 1st respondent due to rash and negligent driving of the driver of 1st respondent insured with 2nd respondent dashed the bike, as a result, he and his friend fell down and both of them sustained injuries and immediately they were shifted to Amulya Nursing Home, Narasaraopet and later shifted to Dr.Lakshmana Swamy Hospital, Guntur.

4) A perusal of the record would show that claimant did not examine the pillion rider or any other person when he is saying in two motor cycles i.e., himself and his friend on one motor cycle and the

others are on another vehicle were proceeding on the date of accident. The non-examination is fatal apart from there is no record showing immediately they were shifted to Amulya Nursing Home of Narasaraopet and underwent treatment for the alleged accident on 13.07.2007 at 3.00 pm. Had there been any little truth, it is impossible to believe Ex.A2—wound certificate issued by Dr.Lakshmana Swamy Private Hospital as if he already examined on that day. It is also impossible to believe the injured was initially underwent treatment at Amulya Nursing Home and again for better treatment, on advice he was shifted to Dr.Lakshmana Swamy Private Hospital of Guntur. When such is the case, the accident is unbelievable from Ex.A2—wound certificate. Having regard to the above, for this Court while sitting in appeal there is nothing to interfere.

5) Accordingly and in the result the appeal is dismissed. No order as to costs.

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

Dt.21.11.2016
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Dr. B. SIVA SANKARA RAO, J