

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

M.A.C.M.A. No.1487 OF 2005

JUDGMENT:

Appellant herein is petitioner in O.P. No.926 of 2000 on the file of the Chairman, Motor Accident Claims Tribunal – cum - V Additional District Judge (Fast Track Court), Ranga Reddy District at L.B. Nagar (for short 'the Tribunal').

2. Aggrieved over the dismissal of her claim laid under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act') seeking a sum of Rs.75,000/- as compensation for the injuries alleged to have sustained by her while travelling in an auto-rickshaw bearing registration No.AP 11U 2339 along with her relations from Imlibun Bus Depot to Uppal via Chaderghat Cross-roads, and when it reached Chaderghat bridge, a lorry bearing registration No.TN-1-3334 coming from Chaderghat proceeding towards Koti driven by its driver at high speed in a rash and negligent manner, hit the auto-rickshaw at 5.30 a.m. on 24-07-2000, due to which, she sustained injuries. Claiming that she was treated in Osmania General Hospital, Hyderabad and later shifted to Susheela Hospital, spent Rs.14,000/- to Rs.15,000/- towards treatment, sought the aforesaid amount towards

compensation.

3. The Tribunal taken up O.P. Nos.909, 925 and 926 of 2000 for joint trial. Having framed issues, recorded the evidence by examining three witnesses, who are petitioners in each of the claim petitions as PWs.1 to 3, and marking Exs.A-1 to A-7 on their behalf, and Ex.B-1, which is copy of insurance policy, on behalf of respondent No.2 - Insurance Company.

4. So far as the claim in the instant appeal (O.P. No.926 of 2000) is concerned, the Tribunal, observing that except sole testimony of the petitioner, no other documentary evidence was placed to prove the injuries said to have sustained by her, either from the Osmania General Hospital, Hyderabad or from Susheela Hospital, where she said to have undergone treatment, dismissed the claim petition.

5. Aggrieved over the same, the instant appeal is preferred by the petitioner - appellant contending in the grounds, that the Tribunal went wrong in dismissing her claim despite her evidence as PW.3 and the documentary evidence through Exs.A-1 to A-7 and, therefore, sought to grant the amount claimed.

6. Heard Sri B. Parameswara Rao, learned counsel for the appellant - petitioner, and Sri Byrapaneni Naresh,

learned standing counsel for respondent No.2 - Insurance Company. It is mentioned in the cause title of grounds of appeal by the appellant that respondent No.1, owner of the vehicle, is not a necessary party.

7. Perused the common order passed by the Tribunal and the material on record.

8. A definite finding is recorded by the Tribunal that except the self-serving statement made by the petitioner - appellant, she has not produced any record either from Osmania General Hospital or Susheela Hospital to prove the injuries said to have sustained by her. It is true, when a plea is put-forth in the petition, a mere assertion that she sustained injury on a particular part of her person would not suffice and the same is required to be proved by medical evidence, more particularly, when her definite case is that she was treated in Osmania General Hospital and, thereafter, in Susheela Hospital. When nothing precluded the appellant - petitioner to secure the documents and file to prove the injuries said to have sustained by her on her person and the nature of injuries, certainly, she is not entitled to any amount towards compensation.

9. Therefore, the appeal is devoid of merit and, therefore, dismissed. There shall be no order as to costs.

As a sequel thereto, miscellaneous applications, if any, pending in the appeal, stand disposed of.

A. SHANKAR NARAYANA, J

June 17, 2016.

Mgr