

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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M.A.C.M.A.No.2382 of 2005

JUDGMENT:

This appeal is preferred by the claimant in O.P.No.820 of 2000 on the file of the Court of the Motor Accidents Claims Tribunal (V Additional District Judge) at Nizamabad (for short, Tribunal).

2. The appellant filed the said OP claiming a compensation of Rs.2,00,000/- for the injuries sustained by him in a motor accident that occurred on 01.07.1999. It was stated in the said OP that on 01.07.1999 while the appellant was driving an auto from Kamareddy to go to Nizamabad, and when he reached near Nadpaly Sivar, he could not control the same and dashed against the road side tree. In the said accident, he sustained fractures resulting in permanent disability. He was shifted to Government Hospital, Nizamabad and thereafter he was treated at the Institute of Orthopedics, Karimnagar. The auto was completely damaged in the accident. Though the appellant quantified the compensation as Rs.13,00,000/-, but confined his claim to Rs.2,00,000/-.

3. The Tribunal framed only one issue with regard to the entitlement of the appellant for compensation. On behalf of the appellant, he was examined as P.W.1 and examined one Dr.T.Narsing Rao as P.W.2 and got marked Exs.A.1 to A.10 and Exs.C.1 and C.2. On behalf of the insurance company, R.W.1 was examined and marked Ex.B.1 copy of the insurance policy.

4. The Tribunal dismissed the OP, by award dated 12.04.2005, by relying on a judgment of the Supreme Court in **Minu B.Mehta v. Balkrishna**^[1], as the appellant himself was responsible for the injury. The Tribunal also did not believe the oral evidence of P.W.2, as this Court in CMA.No.3518 of 2004 dated 09.11.2004 cautioned the Tribunal not to act solely on the evidence of Dr.T.Narsing Rao and Dr.Ramulu in awarding compensation. No certificate of the injuries alleged to have

been sustained by the appellant was filed from the Government hospital. Though Ex.B.1 was a comprehensive policy, since the appellant himself was responsible for the accident, the claim petition was dismissed.

5. In the facts and circumstances of the case, this Court sees no ground to interfere with the order of the Tribunal dated 12.04.2005 and hence the appeal is dismissed. Miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

Date: 01.02.2016
TJMR

[\[1\]](#) AIR 1977 SC 1248