

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

C.M.A No.3483 of 2004

Date:27.01.2016

Between:

Madagoni Ramulu

... Appellant.

AND

M. Rama Setty and another.

...Respondents.

The Court made the following :

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

C.M.A No.3483 of 2004

JUDGMENT:

This appeal is preferred challenging order dated 03-04-2004 in W.C.No.176/1996 on the file of Commissioner for Workmen's Compensation and Assistant Commissioner of Labour, Nalgonda.

2. Brief facts leading to this Civil Miscellaneous Appeal are as follows:-

Appellant herein made a claim for Rs.1,00,000/- before

the Commissioner for Workmen's Compensation contending that he worked as a Labourer on Tractor bearing No.AP-24-C-1140 and trailer bearing No.AP-24-C-5088 and that on 10-02-1996, at about 6:00 A.M., when he was travelling on the tractor, as part of his duties, he met with an accident and sustained grievous injuries such as fracture of left thigh and left finger and that he is entitled for compensation of Rs.1,00,000/-. He contended that he took treatment at Government Hospital for 10 days and thereafter, he took treatment under Dr. Sudarshan Reddy and spent Rs.20,000/- to Rs.30,000/- towards medical expenses and as he became permanently disabled on account of the accident, he is entitled for compensation.

He further contended that he was getting Rs.3,000/- per month towards wages.

3. The lower authority conducted enquiry during which appellant himself was examined as A.W.1 and Dr. V. Prashanth, Orthopedic Surgeon was examined as A.W.2 and the appellant got marked Exs.A1 to A5. On a consideration of oral and documentary evidence, the lower authority disallowed the claim of the appellant, holding that contention of the appellant with regard to grievous injury and disability is not at all supported and corroborated with medical evidence. Now aggrieved by the dismissal of the claim, present appeal is preferred.

4. Heard both sides.

5. Advocate for appellant submitted that the lower authority ought to have seen that the appellant suffered disability because of the injury sustained in the accident that the lower authority has not granted any compensation and that the orders of the lower authority are illegal and incorrect.

6. On the other hand, learned counsel for the second respondent-Insurance Company submitted that the entire evidence of appellant is contrary to the medical evidence particularly wound certificate and F.I.R., registered by the police and the lower authority has rightly dismissed the claim.

7. Now the point that would arise for my consideration in this miscellaneous appeal is whether there are any grounds to interfere with the findings of the lower authority?

8. **Point:-** It is the specific case of the appellant that on 10-02-1996, he sustained grievous injuries such as fracture of left thigh and left finger in the accident that occurred while traveling on the tractor belonging to first respondent herein. During evidence, he deposed that he received grievous injuries such as fracture of left thigh, left finger and right waist and also on back. He further deposed that he was admitted in the Government Headquarters Hospital, Nalgonda and he was in the hospital as in-patient for ten days during which, X-rays were taken for the fracture of hip. He also deposed that

amputation was conducted to his right point finger and thereafter, he took treatment under Dr. Sudarshan Reddy, but the wound certificate produced by the appellant himself reveals that the appellant received only abrasion on lower leg and right thigh and he complained pain and tenderness on the left front thigh. The wound certificate also revealed that there is a injury on frontal side of the forehead and that he was admitted for observation on 10-02-1996 and he was discharged on

13-02-1996 and there were no grievous injuries.

The wound certificate certifies that all the injuries are simple in nature and in fact police also filed charge sheet, which is marked as Ex.A3 only for the offence under Section 337 IPC, which is for simple injuries, therefore, the contention of the appellant that he suffered grievous injuries and sustained disability is not at all supported and corroborated with the injuries recorded in the wound certificate and the averments of First Information Report. On these grounds, the lower authority has not accepted the certificate issued by Dr. V. Prashanth for the disability of 25%. On a scrutiny of the material, I do not find any wrong appreciation of evidence by the lower authority and the lower authority rightly discarded the evidence of

Dr. V. Prashanth, which is contrary to the injuries recorded in the wound certificate.

9. For these reasons, I am of the view that the lower

authority has rightly dismissed the claim of the appellant as there is no disability to claim compensation under the provisions of the Workmen's Compensation Act and that there are no grounds to interfere with the order of the Commissioner for Workmen's Compensation.

10. Accordingly, appeal is dismissed and as a sequel, miscellaneous petitions, if any, pending in this appeal, shall stand dismissed. No costs.

JUSTICE S. RAVI KUMAR

Date:27.01.2016

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