

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

M.A.C.M.A. No.830 of 2005

ORDER :

This appeal is filed by the petitioner, injured, aggrieved by the award and decree dated 10.07.2001 passed in O.P. No.454 of 1997 on the file of Chairman, Motor Accidents Claims Tribunal-cum-District Judge, Nizamabad (for short, 'the Tribunal').

2) The petition in O.P. No.454 of 1997 is filed under Section 166 of the Motor Vehicles Act claiming compensation of Rs.4,00,000/- and the Tribunal, after hearing, partly allowed awarding compensation of Rs.2,50,400/- with interest at the rate of 12% p.a. Against the said award the petitioner/injured filed the present appeal contending that the Tribunal below has erred in awarding Rs.2,50,400/- only having admitted that the appellant has sustained 50% permanent disability. Learned counsel for the appellant further contended that the appellant was earning Rs.5,000/- per month by doing agricultural labour work and the same has not been taken into consideration while calculating the compensation and the compensation awarded by the Tribunal is very less and is liable to be enhanced.

3) Heard both sides and perused the material on record.

4) Undisputedly even the P.W-1, the petitioner,

deposed that he undergone treatment in Government Hospital for about three days having been admitted immediately after the accident before shifting to private hospital of allegedly of one Dr.Bhupati Reddy not even examined to place reliance on the so called certificate issued by him under Ex.A-1 and it is not even a case of P.W-2, the Doctor who treated him in the Government Hospital for placing any reliance on his evidence or on the so called disability certificate issued by him under Ex.C-1. The non-filing of the Government Hospital impatient admission card, even the petitioner deposed about he undergone treatment in the Government Hospital, is suffice to draw any amount of adverse inference against the claim of the petitioner as laid down by the Apex Court in **Gopalakrishnaji ketkar Vs Mahammad Haji Lathief**^[1].

5) Having regard to the above, what the Tribunal awarded is more than excessive but for no cross-objections of the insurer to reduce. Hence, there are no merits in the present appeal.

6) In the result, the appeal is dismissed. No order as to costs. Consequently, miscellaneous petitions, if any, shall also stand dismissed.

DR.JUSTICE B.SIVA SANKARA RAO

Dt.15.07.2016

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^[1] AIR 1968 SC 1413