

SMT JUSTICE T. RAJANI

MACMA.Nos.1172 and 1326 of 2006

COMMON JUDGMENT:

Both these appeals are preferred by the claimants before the III Additional District Judge – cum - Motor Accident Claims Tribunal, Nizamabad assailing the awards in O.P.Nos.1514 and 1513 of 2001 dated 22.02.2006.

2. The brief facts of the case need to be mentioned in order to appreciate the judgment of the tribunal below. The claimants are residents of Nellore village. On 28.07.1999, the claimants were going on foot from Nizamabad bus stand and when they reached near Rajiv Gandhi auditorium at about 12 noon the jeep bearing No.AP 25 C 1199 came behind them at a high speed in a rash and negligent manner and dashed them, due to which the claimants fell down and sustained injuries. The report to the police was not given on the date of the accident, it was lodged on 13.02.2000. The tribunal considering that the alleged involvement of the vehicle is not proved, dismissed the claim.

3. At the hearing, counsel for the appellants did not put forth any argument with the help of which the judgment of the tribunal can be interfered with.

4. The record shows that the accident occurred on 28.07.1999 and in that accident, the claimant in MACMA.No.1172 of 2006 sustained a small abrasion over the left shoulder and fracture of left clavicle.

According to P.W.2, who is a doctor, the claimant was treated as out patient for both injuries. The claimant in MACMA.No.1326 of 2006 sustained a blunt injury on left foot and ankle and injury to metatarsal; the first injury is crush injury and second injury is fracture injury. According to P.W.2, the doctor, who issued Ex.A5 injury certificate, he had not mentioned the date of examination of the claimant and he could not state whether requisition from police was received on 22.02.2000. His evidence also does not show that the claimant was hospitalized till 13.02.2000. Moreover, the claimant in MACMA.No.1326 of 2006 asserts that he gave the police report after two days. Had the claimants sustained grievous injuries and were hospitalized, the delay in lodging the report would have been probable; but as the claimants were not hospitalized, no plausible reasons are forthcoming with regard to the delay in lodging the report.

5. Apart from the above, a serious of inconsistency that was observed by the tribunal, with regard to the requisition made to the doctor, still remains unexplained even at the present stage of these appeals. The tribunal observed that the requisition was received by P.W.2 on 27.02.2000 and it is highly incomprehensible, as to why the requisition had to be made on 27.02.2000 for the injuries, allegedly, sustained by the claimants, in an accident, which occurred on 28.07.1999. The aforesaid observation explains the falsity of the claim made by the claimants and the tribunal cannot be expected to have any other option except to hold that the injuries sustained by the claimants are otherwise than in this motor accident.

Hence, in view of the above, the civil miscellaneous appeals are dismissed. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

June 16, 2017
DSK

T. RAJANI, J

