

***THE HON'BLE SMT JUSTICE T.RAJANI**

+M.A.C.M.A.No.303 OF 2006.

%28-07-2017

Gaddam Sayanna

...Claimant/appellant

Vs.

\$ P.Kistaiah and another

....Respondents

!Counsel for the Claimant: Mr.P.Radhiv Reddy

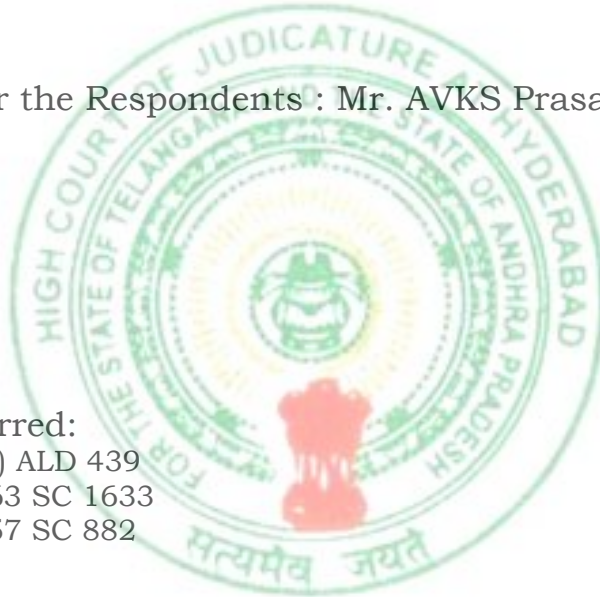
^Counsel for the Respondents : Mr. AVKS Prasad.

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>Head Note:

? Cases referred:

1. 2007 (5) ALD 439
2. AIR 1963 SC 1633
3. AIR 1957 SC 882



THE HON'BLE SMT JUSTICE T.RAJANI

M.A.C.M.A.NO.303 OF 2006

JUDGMENT:

This appeal is preferred by the appellant, who is the claimant before the Court below assailing the judgment of the Chairman, Motor Accident Claims Tribunal-cum-II Additional District Judge, (FTC), Nizamabad, dated 04-02-2005 in O.P.No.340 of 2001 on the grounds that the Court below failed to rely on the medical certificate and did not award any compensation towards simple injuries sustained by the claimant.

2. Heard both counsel.

3. The claimant allegedly sustained as many as six injuries and all are simple in nature as evident from Ex.A2-wound certificate. The injuries are in the form of lacerations, abrasions and contusions. The Court below opined that the victim did not adduce any cogent and legal medical evidence to prove the injuries and accordingly dismissed the claim of the claimant.

4. Learned counsel appearing for the appellant/claimant contended that the medical certificate itself would suffice as a basis for awarding compensation and relied on a ruling of this Court reported in **APSRTC, HYDERABAD V SHAIK YOUSUF PASHA**¹, which in turn relied upon the ruling of the Apex Court reported in **RAMAPPA V BOJJAPPA**², wherein the Apex Court held that while considering the admissibility of the certified copy of public document, the same need not be proved by calling a witness. Besides in the said case, no objection has been raised about the mode of

¹ 2007 (5) ALD 439

² AIR 1963 SC 1633

proof either in the trial Court or in the District Court. In such circumstances, the Apex Court found fault with rejecting of such documents on the ground that it has not been proved. Relevant para of the Apex Court ruling reported in *Ramappa's* case (2 supra) was also extracted by this Court, which is as follows:

“...The document in question being a certified copy of a public document need not have been proved by calling a witness. Besides, no objection had been raised about the mode of proof either in the trial Court or in the District Court.”

In other ruling of the Apex Court reported in **UNION OF INDIA V T.R.VARMA** ³, it was held as follows:

“Now it is no doubt true that the evidence of the respondent and his witnesses was not taken in the mode prescribed in the Evidence Act; but that Act has no application to enquiries conducted by Tribunals, even though they may be judicial in character. The law requires that such Tribunals should observe rules of natural justice in the conduct of the enquiry and if they do so, their decision is not liable to be impeached on the ground that the procedure followed was not in accordance with that, which obtains in a Court of law.”

5. Hence, in the above legal scenario, there need not be any demur on the part of this Court to rely on the medical certificate, irrespective of it being not proved by examining the concerned Doctors. As already observed, the medical certificate, Ex.A2 discloses six simple injuries and this Court feels it appropriate to award an amount of Rs.10,000/- towards all the injuries together, for the consequential pain that ensued from the said injuries. The medical bills filed under Exs.A7 and A8 are to a tune of Rs.384/-. Hence the said amount can be awarded towards medical expenditure to the claimant. This Court is inclined to award a sum of Rs.1,000/- by taking the monthly income of the claimant as Rs.3,000/- as he is said to be an agriculturist and by assuming that even the simple injuries would require some rest for the claimant, which may be at least 10 days, towards

³ AIR 1957 SC 882

loss of income during the period of treatment and rest. Hence, in all, the claimant is entitled to compensation of Rs.11,384/-.

6. Accordingly, this appeal is partly allowed awarding compensation of Rs.11,384/- to the claimant with proportionate costs and with interest at the rate of 7.5% p.a., from the date of petition till the date of realization. Miscellaneous petitions, if any pending, in this appeal shall stand closed.

T.RAJANI, J

DATED: 28-07-2017.

Hsd

Note: LR copy to be marked.

