

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2822 of 2005

JUDGMENT

This appeal is filed under Section 173 of the Motor Vehicles Act, 1988 (for short 'the Act'), by the appellant-claimant aggrieved by the order dated 15.06.2005 in O.P.No.1153 of 2000 on the file of the Motor Accident Claims Tribunal-cum-IV Additional District Judge (Fast Track Court), Nizamabad (for short 'the Tribunal').

2. Heard the learned counsel for appellant-claimant, the learned counsel for 2nd respondent-Insurance Company and perused the record. There is no representation for respondent No.1 (owner).

3. The learned counsel for appellant-claimant would contend that though the appellant suffered grievous and simple injuries, the Tribunal granted only a compensation of Rs.47,500/-, which is meager and ultimately, prayed to enhance the same.

4. The learned counsel for the respondent-Insurance Company would contend that relying on the evidence of P.W.2-doctor and the medical evidence, the Tribunal granted just and reasonable compensation of Rs.47,500/-. There are no circumstances to enhance the same and ultimately, prayed to dismiss the appeal.

5. In view of the submissions made by both sides counsel, the point that arises for determination is, whether the appellant is entitled for enhancement of compensation?

6. As per the material available on record, the appellant-injured was said to have taken treatment in Government Hospital, Khanapur for about 10 days. No single document is filed to show the treatment taken in the said hospital. Had the appellant filed the case sheet and other connected record, he could have proved the injuries suffered by him in the subject accident said to have occurred on 19.07.2000. Further, this Court and the Tribunal rightly found that P.W.2-doctor was in the habit of exaggerating the injuries and issuing the wound certificates. In Ex.A4-wound certificate, P.W.3-doctor opined that the age of the injuries is 7 to 14 days. Therefore, it is difficult to accept the submissions made in this appeal. The appeal is devoid of merit and is liable to be dismissed.

7. In the result, the appeal is dismissed.

The Miscellaneous Petitions, if any, pending shall stand closed.

Dr. SHAMEEM AKTHER, J

Date: 24.09.2018
ssp