

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.1336 OF 2006

JUDGMENT:

This appeal, under Section 173 of the Motor Vehicles Act, 1988, is filed by the appellant/claimant aggrieved by the dismissal of the claim petition by the learned Chairman, Motor Accident Claims Tribunal – cum – V Additional District Judge, Nizamabad (for short, “the Tribunal”) *vide* order, dated 01.03.2006, passed in O.P.No.114 of 2002.

2. Heard the submissions of the learned counsel appearing for the appellant/claimant and the learned Standing Counsel for the New India Assurance Company Limited appearing for respondent No.2, and perused the record.

3. Learned counsel for the appellant/claimant would contend that the claimant suffered grievous injuries in the motor vehicle accident that occurred on 24.10.2001 and took treatment with P.W.2 – Dr.T.Narsing Rao; that Ex.A-5 – certified copy of wound certificate reveals the injuries suffered by the claimant; that Ex.A-6 – Disability Certificate shows the disability suffered by the claimant; that the Tribunal, while holding issue No.1 with regard to the rashness and negligence on the part of the driver of the jeep bearing No.AP-25-F-1230 in favour of the claimant, did not grant any compensation disbelieving the evidence of P.W.2, which is erroneous and contrary to the material on record, and ultimately, prayed to enhance the compensation and allow the appeal as prayed for.

4. On the other hand, learned Standing Counsel appearing for the New India Assurance Company Limited representing respondent No.2 would contend that P.W.2 - Doctor is known for giving false and fabricated medical certificates; that the Tribunal held that though the claimant took treatment in Government Hospital, Nizamabad, he did not produce any certificate from that hospital to show the injuries suffered by him; that the Tribunal elaborately dealt with all the contentions and rightly dismissed the claim of the claimant and ultimately, prayed to dismiss the appeal.

5. There is no dispute with regard to the occurrence of the subject accident on 24.10.2001 due to the rash and negligent driving of the driver of jeep bearing No.AP-25-F-1230. The dispute is only with regard to the claimant suffering grievous and simple injuries in that accident and grant of compensation in favour of the claimant for those injuries. There is evidence of the claimant/P.W.1 with regard to the injuries said to have been suffered by him. There is also specific evidence that immediately after occurrence of the accident, the claimant was admitted in the Government Hospital, Nizamabad and thereafter, he went to the hospital of P.W.2 - Dr.T.Narsing Rao. P.W.2 also deposed about the injuries suffered by the claimant. This Court as well as the Tribunal at Nizamabad held in many cases that P.W.2 - Dr.T.Narsing Rao was/is in the habit of exaggerating the injuries and issuing false medical certificates/records. When the claimant was firstly got admitted in Government Hospital, Nizamabad after occurrence of the accident, certainly, there would be record in that hospital to show the injuries suffered by the claimant. In the

circumstances of the case, the claimant ought to have filed the record obtained from the Government Hospital, Nizamabad to substantiate the injuries suffered by him. This Court and the Tribunal had taken a view in many cases that it is unsafe to act upon the evidence of Dr.T.Narsing Rao. Further, it is apt to state that no X-ray or case sheet was filed before the Tribunal to substantiate the grievous injuries said to have been suffered by the claimant. In the absence of any medical record as well as the copy of the wound certificate of the Government Hospital, Nizamabad, it is difficult to prove that the claimant suffered grievous injuries as stated by him. The Tribunal, after analysing the entire oral and documentary evidence on record, rightly concluded that this is not a fit case to grant compensation to the claimant. There is nothing to take a different view. The finding of the Tribunal is correct. Hence, the appeal is devoid of merit and is liable to be dismissed.

6. Accordingly, this appeal is dismissed. There shall be no order as to costs.

7. Miscellaneous petitions pending, if any, in this appeal shall stand closed.

DR.JUSTICE SHAMEEM AKTHER

Date : 27.08.2018
AMD

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