

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.1663 of 2005

JUDGMENT:

Aggrieved by the grant of compensation of Rs.4,000/- as against a claim of Rs.2,00,000/- by the Chairman, Motor Accident Claims Tribunal-cum-IV Additional District Judge (FTC), Nizamabad ('the Tribunal' for brevity), vide order, dated 22.02.2005, passed in O.P.No.1558 of 2002, the claimant preferred this appeal under Section 173 of the Motor Vehicles Act, 1988 ('the Act', for brevity) seeking enhancement of compensation.

2. Heard the learned counsel for appellant-claimant, the learned Standing Counsel for the 2nd respondent-Insurance Company and perused the record.

3. The learned counsel for the appellant-claimant would submit that the appellant-claimant suffered simple and grievous injuries in the subject accident. Ex.A.3-Wound Certificate would substantiate the same. The Tribunal did not believe that the appellant-claimant suffered grievous injury and held that he had sustained only simple injuries and awarded an amount of Rs.4,000/-, which is contrary to the oral and documentary evidence on record and ultimately prayed to enhance the compensation as claimed.

4. On the other hand, the learned Standing Counsel for the 2nd respondent-Insurance Company would submit that the Tribunal had taken all the relevant factors into consideration and granted just and reasonable amount as compensation. The Tribunal discussed about Ex.A.3 and rightly concluded that the appellant-claimant had

sustained only simple injuries. There are no circumstances to interfere with the Order under challenge and ultimately prayed to dismiss the appeal by confirming the Order under challenge.

5. The Tribunal, after analysing the entire evidence on record, held that as the appellant-claimant has not filed any X-Ray and radiologist report, the injuries mentioned in Ex.A.3 are considered to be simple in nature. Admittedly, no X-Ray or CT Scan Report or radiologist report is filed to substantiate that the appellant-claimant sustained grievous injury, as contended. The Tribunal also held that the doctor, who was examined as P.W.2, is one of the stock witnesses in MVOP cases and he issued Ex.A.3-Wound Certificate under the seal and stamp of Civil Assistant Surgeon, Government Hospital, Nizamabad, even though he treated the appellant-claimant in Amrutha Laxmi Hospital, Nizamabad. Having regard to the totality of the circumstances, this Court is of the view that the Tribunal rightly awarded an amount of Rs.4,000/- towards compensation to the appellant-claimant. There is nothing to enhance the same. The contentions raised on behalf of the appellant-claimant do not merit consideration. The appeal is devoid of merit and is liable to be dismissed.

6. In the result, the appeal is dismissed.

Miscellaneous Petitions pending, if any, shall stand closed. No order as to costs.

02nd July, 2018
Bvv

Dr. SHAMEEM AKTHER, J