

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2367 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 23.05.2005 in O.P.No.42 of 2001 on the file of the Motor Accident Claims Tribunal-cum-V Additional District Judge, Nizamabad (for short, 'the Tribunal') whereby the Tribunal awarded compensation of Rs.6,000/-.

2. Heard the learned counsel for appellant-claimant, the learned counsel for 2nd respondent-Insurance Company and perused the record. The appeal against respondent No.1 was dismissed for default on 05.01.2012.

3. Learned counsel for the appellant-claimant would contend that the Tribunal had granted compensation of Rs.6,000/-, which is meagre. The appellant suffered grievous injuries. The same were not taken into consideration by the Tribunal and ultimately prayed to enhance the compensation as claimed.

4. Learned counsel for the respondent-Insurance Company would contend that the Tribunal had taken all the facts and circumstances into consideration, discussed the medical evidence elaborately and also assigned reasons in awarding the compensation of Rs.6,000/- to the claimant. There are no circumstances to interfere with the same and ultimately prayed to dismiss the appeal.

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

6. There is no dispute with regard to the appellant-claimant suffering injuries in a road accident caused by motorcycle bearing No.AP-25-B-4928 by its driver in a rash and negligent manner on 15.08.2000. The only dispute is with regard to enhancement of compensation.

7. As seen from the material available on record and the evidence of P.W.2-doctor, who is a private medical practitioner at Nizamabad, it appears that P.W.2-doctor is in the habit of issuing false medical certificates. This Court is of the considered opinion that there is inconsistency in oral and documentary evidence and no case is made out to enhance the compensation.

8. In the result, the appeal is dismissed.

The Miscellaneous Petitions, if any, pending shall stand closed.
No costs.

Date: 19.07.2018
ssp

Dr. SHAMEEM AKTHER, J

