

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3366 OF 2005

JUDGMENT:

This appeal, under Section 173 of the Motor Vehicles Act, 1988, is filed by the appellant/claimant aggrieved by the grant of compensation of Rs.6,000/- as against a claim of Rs.1,00,000/-, by the learned Chairman, Motor Accident Claims Tribunal – cum – V Additional District Judge, Nizamabad (for short, “the Tribunal”) *vide* order, dated 18.02.2005, passed in O.P.No.521 of 2001.

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

3. Learned counsel for the appellant/claimant would contend that the Tribunal granted only Rs.6,000/- as against the claim of Rs.1,00,000/-, which is meagre; that the claimant suffered grievous injuries and the same are figured in Ex.A-2 – wound certificate 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 representing respondent No.2 would contend that the Tribunal had taken all the factors into consideration and granted compensation of Rs.6,000/- as against the claim of Rs.1,00,000/-, which is just and reasonable; that there are no circumstances to interfere with the impugned judgment and ultimately, prayed to dismiss the appeal.

5. Admittedly, the appellant/claimant had not filed the X-ray or case sheet to prove that she suffered grievous injuries in the accident that occurred on 04.11.2002 due to the rash and negligent driving of the driver of tractor bearing No.AP-25-D-2285. She had examined P.W.2 – Dr.L.Ramulu, Orthopaedic Surgeon working in Government Hospital, Nizamabad. In several cases, this Court as well as the Tribunal observed that the said Doctor is in the habit of exaggerating the injuries and issuing doubtful certificates. Without X-ray or the case sheet to show that the claimant suffered grievous injuries, it is not appropriate to hold that the claimant suffered grievous injuries. The Tribunal held that the claimant suffered one simple injury and rightly awarded the compensation of Rs.6,000/-. The finding of the Tribunal is based on the evidence on record. There is nothing to take a different view. 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 : 24.07.2018
AMD

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