

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2339 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 27.12.2004 in O.P.No.1205 of 1998 on the file of the Motor Accident Claims Tribunal-cum-District Judge, 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.

3. Learned counsel for the appellant-claimant would contend that though the appellant suffered grievous injuries to his both legs, the Tribunal granted compensation of Rs.53,000/-, which is meagre and ultimately prayed to enhance the same.

4. Learned counsel for the respondent-Insurance Company would contend that there is inconsistency in the medical evidence. Hence, the Tribunal was pleased to grant compensation of Rs.53,000/- with interest @ 9% per annum. It is just and reasonable. 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 jeep bearing No.AP-1/C-

1787 by its driver in a rash and negligent manner on 30.11.1998. The only dispute is with regard to enhancement of compensation.

7. As seen from Ex.A2-wound certificate, Ex.A3-discharge ticket and Ex.C1-disability certificate, it appears that P.W.2-doctor T.Narsinga Rao, who supported Ex.C1, issued some false medical certificates. Therefore, it is not safe to act upon the evidence of P.W.2. As there is inconsistency in the medical record, no case is made out to enhance the compensation. The Tribunal taking into consideration the injuries suffered by the claimant, granted compensation of Rs.53,000/- in total, on differed heads. There is nothing to take a different view. Hence, the appeal is devoid of merit and is liable to be dismissed.

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