

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

C.M.A.No.2594 of 2004

JUDGMENT:

Aggrieved by the grant of compensation of Rs.15,000/- as against a claim of Rs.1,77,000/- by the Chairman, Motor Accident Claims Tribunal-cum-Additional District Judge, Nizamabad ('the Tribunal' for brevity), vide order, dated 19.09.2003, passed in O.P.No.626 of 1995, 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 3rd respondent-Insurance Company and perused the record.

3. The learned counsel for the appellant-claimant would submit that the appellant-claimant suffered grievous injuries in the subject accident. The Tribunal granted a compensation of Rs.15,000/- with interest at the rate of 9% per annum as against a claim of Rs.1,77,000/-, which is meagre and ultimately prayed to enhance the compensation as claimed.

4. On the other hand, the learned Standing Counsel for the 3rd respondent-Insurance Company would submit that the Tribunal, relying on Ex.A.2-Certified Copy of Injury Certificate, granted a compensation of Rs.15,000/- to the appellant-claimant. Ex.A.7-Disability Certificate issued by P.W.2-

Dr.T.Narsing Rao is contrary to Ex.A.2-Certified Copy of Injury Certificate of the appellant-claimant. There is justification in granting a compensation of Rs.15,000/- to the appellant-claimant and ultimately prayed to dismiss the appeal by confirming the Order under challenge.

5. In view of the submissions made by both the learned counsel, the only point that arises for consideration is whether the appellant-claimant is entitled for enhancement of compensation.

6. The basic document, i.e., Ex.A.2-Certified Copy of Injury Certificate came into existence after examining the appellant-claimant, immediately after the occurrence of accident. It discloses that the appellant-claimant sustained one injury on the right side of the eyelid. It is totally contrary to the evidence of P.W.2-doctor who deposed that the appellant-claimant sustained fracture to skull, parietal bone, injury on scalp, fracture to ribs and other parts of the body. Ex.A.7 is the Disability Certificate issued by P.W.2. Though Ex.A.7 corroborated the evidence of P.W.2-Doctor, there is a cloud on the evidence of P.W.2. Earlier also, the Presiding Officers working/worked at Nizamabad as well as this Court held that it is not safe to act upon the certificate/s issued by P.W.2-Dr.T.Narsing Rao and also on his evidence. In view of the same, it cannot be held that the appellant-claimant sustained injuries as stated by P.W.2 in his evidence, except the injury mentioned in Ex.A.2-Certified Copy of Injury Certificate. The Tribunal is justified in granting a compensation of

Rs.15,000/- to the appellant-claimant. There are no circumstances to interfere with the same. The appeal is devoid of merit and is liable to be dismissed.

7. In the result, the appeal is dismissed. No costs.

Miscellaneous Petitions pending, if any, shall stand closed.

17th July, 2018
Bvv

Dr. SHAMEEM AKTHER, J

