

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.1526 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 22.03.2005 in O.P.No.1111 of 2002 on the file of the Motor Accident Claims Tribunal-cum-IV Additional District Judge (Fast Track Court), Nizamabad (for short 'the Tribunal').

2. Though the matter is posted 'for orders', there is no representation on either side. This appeal pertains to the year 2005. Hence, it can be disposed of on merits basing on the material available on record.

3. The Tribunal was pleased to dismiss the claim of the appellant-claimant, who alleged to have suffered injuries in a motor accident that occurred on 20.07.2002. The Tribunal while analysing the entire oral and documentary evidence held that there was contradiction between the medical records filed before the Tribunal particularly, Exs.A.3-wound certificate and A.18-Out Patient ticket. So, when there is inconsistency in the oral and documentary evidence, it is unsafe to believe the injuries alleged to have been suffered by the claimant, i.e., fracture of mandible, fracture of tibial condyle right and fracture of femoral condyle right. To arrive at a conclusion, the Tribunal had meticulously analysed the entire oral and documentary evidence. 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.

4. In the result, the appeal is dismissed.

The Miscellaneous Petitions, if any, pending shall stand closed.

No costs.

Dr. SHAMEEM AKTHER, J

Date: 24.08.2018
ssp

