

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.516 OF 2007

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Judgment and Decree dated 28.07.2006 passed in O.P.No.692 of 2002 by the Chairman, Motor Accident Claims Tribunal-cum-III Additional District Judge (FTC), Nizamabad (for short, the Tribunal).

2. The brief facts of the case are that on 24.02.2002, while the appellant, along with others, were travelling in auto bearing No.AP25U 139 from Mosra to Nizamabad and when the said auto reached near Makloor Temple, the driver of the auto drove the same at high speed in a rash and negligent manner and lost control and the auto turned turtle. In the said accident, the appellant sustained fracture of both bones of right forearm, right leg tibia and other injuries on the head and other parts of the body. He filed the aforesaid OP against the respondents owner and insurer of the auto respectively, claiming compensation of Rs.2,00,000/- for the injuries sustained by him.

3. Before the Tribunal, respondent No.1 remained *ex parte*. Respondent No.2 filed its counter denying the averments of the claim petition and contended that the amount claimed is excessive and prayed to dismiss the claim petition.

4. After considering the oral and documentary evidence on record, the Tribunal came to the conclusion that the accident

occurred due to the rash and negligent driving of the driver of the auto and awarded a total compensation of Rs.7,000/- with interest @ 7.5% per annum. Dissatisfied with the quantum of compensation, the appellant filed the present appeal, seeking enhancement of the same.

5. Heard.

6. The Tribunal after careful consideration of the evidence adduced on behalf of the appellant, came to the conclusion that the appellant filed Ex.A3 injury certificate issued by the doctor P.W.2 by using the stamp as Civil Assistant Surgeon, Government Head Quarters Hospital, Nizamabad long after his retirement and that the appellant has not filed x-ray films to show that he sustained fractures. The Tribunal disbelieved the evidence of the appellant with regard to the fractures sustained by him and awarded a sum of Rs.7,000/- towards simple injuries, cost of treatment and pain and suffering. This Court is of the opinion that the Tribunal passed a well reasoned order and there are no grounds to interfere with the same.

7. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed. Miscellaneous petitions pending, if any, shall stand closed. No costs.

T.AMARNATH GOUD, J

Date: 11.12.2019
TJMR