

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.1297 OF 2006

JUDGMENT:

This appeal is preferred by the appellant/petitioner/claimant questioning the order of the Chairman, Motor Accidents Claims Tribunal (V Additional District Judge), at Nizamabad (for short, the Tribunal) in O.P.No.1232 of 2002 dated 16.11.2005.

2. For the sake of convenience, the parties are hereinafter referred to as they were arrayed before the Tribunal in the original petition.

3. The brief facts of the case are that the petitioner is resident of Jakranpally Village and agriculturist-cum-businessman by profession. He was earning Rs.10,000/- per month from the said avocation before accident. On 07.06.2002 at about 7.00 a.m., he along with others were traveling in the crime jeep bearing No.AP 20T 139 from Basar to Jakranpally Village. On the way, when the jeep reached near the road leading to Singampalli, its driver has driven it in a rash and negligent manner with high speed and lost the control over the jeep and dashed two cyclists. Thereafter jeep fell on the side of the road. As such, in the said accident, he sustained several injuries i.e., fracture to left wrist, left elbow, left clavicle, head injury, multiple and grievous injuries on various parts of the body. He was shifted to Government Hospital, Nizamabad, where Dr.T.Narsing Rao, Orthopaedic Surgeon, treated him. Sofar, he

has incurred Rs.60,000/- towards medicines and special diet. As the result of the accident, he is not in a position to walk and attend to his regular duties. Thus, he lost his total earning capacity having sustained permanent disability. Hence, the petitioner filed the claim petition claiming compensation of Rs.2,00,000/- with future interest @ 24%, payable by both the respondents, being the owner and insurer of the crime vehicle.

4. In the claim petition, the 1st respondent remained *ex parte*. The 2nd respondent filed written statement denying the allegations and contended that the amount claimed by the claimant is highly excessive and that they are not liable to pay any compensation and therefore prayed to dismiss the claim petition.

5. After considering the oral evidence of P.Ws.1 & 2 and documentary evidence of Exs.A-1 to A-4 and Ex.B-1, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the crime vehicle and by observing that the petitioner failed to prove his case with regard to he sustained any form of injuries and he took any form of treatment either in Government Hospital or in private hospital and also spent any amount as well as sustained any disability because of loss of future income and dismissed the claim petition. Aggrieved by the said order, the appellant/claimant filed the present appeal.

6. Heard.

7. Admittedly, the claimant failed to produce any x-ray reports and failed to approach the Government Hospital for getting the medial treatment, instead he approached Dr.T.Narsing Rao, Orthopaedic Surgeon, who had issued the wound certificate without examining the claimant and there is no evidence placed on record to believe the version of the claimant that he sustained fracture of left elbow, left wrist and left clavicle. In view of the same, the Tribunal disbelieved the version of the petitioner and rightly dismissed the claim petition. Therefore, I see no reason to interfere with the order of the Tribunal and the appeal is liable to be dismissed.

8. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed confirming the award and decree passed by the Tribunal. No order as to costs.

Miscellaneous petitions pending, if any, shall stand dismissed.

T.AMARNATH GOUD, J

Date: 21st November, 2019

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