

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 876 OF 2006

JUDGMENT:

This appeal is directed by the claimant against the order and decree dated 08.09.2005 passed by the Motor Accidents Claims Tribunal-cum-VII Additional District Judge (FTC), Nizamabad at Bodhan (for short 'the Tribunal), in M.V.O.P.No.954 of 2000, whereby the tribunal dismissed the claim petition on the ground that though the petitioner filed discharge certificates and other reports, he failed to examine the concerned persons to prove the same and that the petitioner has not filed any wound certificate, but filed only out patient ticket issued by A.P. Vidhya Vidana Parishad and that the petitioner failed to establish that the accident occurred due to rash and negligent driving of the jeep by its driver belonging to the 2nd respondent and in the said accident he received injuries.

2. For the sake of convenience, the parties herein are referred to as arrayed in the tribunal.

3. Before the tribunal, respondent No.2 remained exparte. Respondent No.1 – insurance company filed written statement denying the claim of the petitioner.

4. In order to prove the case of the claimant, before the tribunal, he himself examined as PW.1 and marked Exs.A.1 to A.15 on his behalf. No oral or documentary evidence is adduced on behalf of the respondents.

5. Learned counsel appearing for the appellant contended that the tribunal erred in dismissing the claim petition stating that the appellant has not received any injuries in the accident basing on the suggestions made by the 1st respondent without appreciating the oral and documentary evidence and that Exs.A3 to A8 and Exs.A.11, A13 and A.15 issued by the Apollo Hospital shows that the appellant taken treatment in Apollo Hospital and in Yashoda Hospital at Nanded and that the tribunal failed to see that there is no rebuttal evidence and hence prayed to grant just and proper compensation.

6. Learned standing counsel appearing for the Insurance Company vehemently contended that the claimant has prima facie failed to prove before the tribunal about the accident and the injuries sustained by him due to the said accident and that in the absence of doctors not being examined in support of the treatment and that the charge sheet has not been filed, which is crucial document while deciding the compensation under the Act and that the award passed by

the tribunal is well considered and hence, prayed to dismiss the appeal.

7. On perusal of the entire material available on record, having regard to the facts and circumstances of the case and as rightly contended by the standing counsel for insurance company, the order passed by the tribunal is well considered and needs no interference of this Court. Accordingly, the appeal filed by the claimant is liable to be dismissed.

8. In view of the above, the appeal is dismissed confirming the order and decree dated 08.09.2005 passed in M.V.O.P.No.954 of 2000 by the Motor Accidents Claims Tribunal-cum-VII Additional District Judge (FTC), Nizamabad at Bodhan. There shall be no order as to costs.

Miscellaneous petitions if any, shall stand closed.

T.AMARNATH GOUD,J

Date: 23-10-2019
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