

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.1696 OF 2006

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Judgment and Decree dated 07.03.2002 passed in O.P.No.562 of 2002 by the Motor Accidents Claims Tribunal (V Additional District Judge) at Nizamabad (for short, the Tribunal).

2. The brief facts of the case are that on 21.02.2002, while the appellant was traveling in auto bearing No.AP25U 482 from Armoor to go to Ankapur, and at about 10.00 pm., when the auto reached Dhobhighat of Armoor Village on Highway No.16, the driver of the said auto drove the same with high speed in a rash and negligent manner and lost control over the same, due to which, the auto turned turtle. In the said accident, the appellant came under the auto and received fracture injuries and other grievous injuries. He filed aforesaid OP claiming compensation of Rs.13,30,000/- against respondent Nos.1 and 2, owner and insurer of the auto respectively, for the injuries sustained by him.

3. Before the Tribunal, respondent No.1 remained *ex parte*. Respondent No.2 filed 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 has

not caused due to rash and negligent driving of driver of the crime vehicle and that the appellant practically failed to prove his alleged injuries said to have been sustained in the accident. Accordingly, the Tribunal dismissed the OP. Challenging the same, the claimant filed the present appeal.

5. Heard.

6. It is seen from the impugned order that the appellant failed to examine the private doctor of M.J.Hospital, Armoor, who said to have been given treatment and conducted operation by inserting rod. Instead, he relied on oral evidence of P.W.2-Dr.L.Ramulu, whose evidence is quite inconsistent with the oral evidence of P.W.1 with regard to period of treatment as well as issuance of disability certificate. Basing on the same, the Tribunal did not believe his evidence and rejected the claim of the appellant, which in the opinion of this Court, is just and proper and hence, I see no grounds to interfere with the order of the Tribunal.

7. In the result, the Motor Accident Civil Miscellaneous Appeal is dismissed confirming the Judgment and Decree of the Tribunal dated 07.03.2002 in O.P.No.562 of 2002. Miscellaneous petitions pending, if any, shall stand closed. No costs.

T.AMARNATH GOUD, J

Date: 28.10.2019
TJMR