

THE HONOURABLE SRI JUSTICE A. RAJASHEKER REDDY

MA.CMA. No.3585 of 2005

JUDGMENT:

This appeal is filed by petitioner in O.P.No.1590 of 2001 against judgment and decree dated 13.06.2005 passed in the said O.P. by learned Chairman, Motor Accident Claims Tribunal-cum-IV Additional District Judge (FTC), Nizamabad, dismissing it on the ground that there was 52 days delay in lodging FIR with regard to occurrence of accident and there is a direction issued by this Court not to act solely on the certificates issued by Dr. L. Ramulu, P.W.2 in this case, while awarding compensation.

The brief facts of the case are that on 30.03.2000, while the appellant and another were going on a Scooter bearing No.AP25 F 6106 from Mendora to Armoor and when they reached near Mamidipally X Roads, at about 12.00 Noon, one Auto bearing No.AP25 T 6248 driven by its driver came from opposite direction at high speed in a rash and negligent manner and dashed his scooter, as a result of which, both of them fell down and sustained multiple and grievous injuries, and immediately thereafter, he was shifted to hospital at Nizamabad and he incurred expenditure of Rs.50,000/- for treatment. His scooter

was damaged. Prior to accident, he was earning Rs.10,000/- per month but due to accident, he is unable to do any work as he sustained permanent disability. In the circumstances, he claimed compensation of Rs.1,50,000/- by way of filing aforesaid O.P. before the Tribunal.

The Tribunal on appreciation of oral and documentary evidence adduced by appellant and by keeping in mind the directions issued by this Court that the Tribunals shall not act solely on the certificates issued by Dr. L. Ramulu and Dr. T. Narsing Rao in assessing the disability, did not consider Ex.A.2 – medical certificate alleged to have been issued by the said Dr. L. Ramulu and thereby, recorded a finding that appellant failed to explain delay in lodging complaint before the police and to prove that he sustained injuries in the alleged accident and accordingly, passed the impugned judgment dismissing the O.P. Questioning the said judgment, this appeal is preferred.

Heard both sides.

A perusal of impugned judgment goes to show that the Tribunal basing on the evidence of P.Ws.1 and 2 and Exs.A.1 to A.6 and in view of the directions issued by this Court, did not

take into account the evidence of P.W.2 and rightly came to the conclusion that the accident was not proved by appellant and thereby, dismissed aforesaid O.P. No infirmity is brought to the notice of this Court in the impugned judgment. In view of the same, this Court is not inclined to interfere with the impugned judgment.

Accordingly, this appeal is dismissed.

Consequently, Miscellaneous Petitions, if any pending, shall stand dismissed. No order as to costs.

A. RAJASHEKER REDDY, J

13th FEBRUARY, 2019.

kvni