

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

MACMA NO. 813 OF 2006

JUDGMENT:

Heard learned counsel for the appellant/claimant and learned counsel for the 2nd respondent/Insurance Company.

2. Feeling aggrieved by the judgment dated 25.10.2005 in O.P.No.192 of 2001 passed by the Motor Accidents Claims Tribunal-cum-III Additional District Judge (FTC), Nizamabad (for short 'the Tribunal'), the appellant/claimant filed the present appeal.

3. Vide the aforesaid judgment, the Tribunal dismissed the claim petition filed under Section 166(1)(a) of the Motor Vehicles Act on the ground that in Ex.A.1-FIR and also in Ex.A.2-charge sheet the name of the claimant was not shown as injured.

4. It is the contention of learned counsel for the appellant/claimant that without considering the evidence of PW.1-claimant and PW.2-Dr L.Ramulu, who treated PW.1 after the accident, Ex.A.3-injury certificate and Ex.A.4-medical certificate, the Tribunal erroneously dismissed the claim petition and hence, prayed to grant just compensation.

5. On the other hand, it is contended by learned counsel for the 2nd respondent/Insurance Company that the name of the claimant was not shown in Ex.A.1-FIR, but her name was shown as LW.3 in Ex.A.2-charge sheet. It is also contended that according to PW.1, after the accident, she was shifted to Government Head Quarters Hospital, Nizamabad and whereas PW.3-doctor deposed that he treated PW.1-claimant in his private clinic. By referring the said contradiction in the depositions of PWs.1 and 2, learned counsel for the 2nd respondent would contend that the claimant did not show any evidence other than PWs.1 and 2 that she received injuries in the accident, as such the Tribunal rightly dismissed the claim petition and hence, prayed to dismiss the appeal.

6. On perusal of Ex.A1-FIR and Ex.A.2- charge sheet, the name of the claimant was not shown as injured. But the name of the claimant was shown as LW.3 in Ex.A.2-charge sheet. On perusal of depositions, PW.1 deposed that after accident, she was shifted to Government Head Quarters Hospital and PW.2 deposed that he has treated PW.1 in his private clinic. On the analysis of the entire evidence, both oral and documentary, the Tribunal gave a specific finding that as per the evidence of PW.1, she was shifted to Government Head Quarters Hospital, Nizamabad after the

accident, where she was treated as inpatient and underwent operation and later she took treatment with the private doctors, but whereas evidence of PW.2 shows that he treated PW.1 in his private clinic. The depositions of PWs.1 and 2 are contradictory to each other. Though the name of the claimant was shown as LW.3 in Ex.A.2-charge sheet, PW.2 treated PW.1 in his private clinic, PW.1 did not chose to examine any other witness or did not file any document to show that she sustained injuries in the said accident. Therefore, the evidence of PW.1 is not believable and not trustworthy.

7. In view of the above discussion and also the specific finding of the Tribunal in the impugned judgment, this Court do not see any ground or circumstance, which warrants interference in the impugned judgment and therefore, the appeal fails and the same is liable to be dismissed.

8. Accordingly, the appeal is dismissed. There shall be no order as to costs.

Miscellaneous petitions if any, shall stand closed.

K.LAKSHMAN,J

Date: 22.01.2020.

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