

THE HON'BLE SRI DR. JUSTICE D.NAGARJUN

M.A.C.M.A. No. 1843 of 2009

ORDER:

Heard. Learned counsel for the respondent No.2.

2. The petitioner called absent. No representation even after posting the matter under the caption of 'dismissal'. However, considering the fact that this appeal is filed by the person challenging the compensation awarded by the tribunal, this court is of the opinion that this case can be disposed of basing on submission of counsel for respondent No.2 and on perusal of record available before the court.

3. The petitioner has claimed Rs.1,00,000/-, however, the tribunal has awarded only an amount of Rs.12,000/-. The medical evidence filed by the appellant is taken into consideration by the tribunal. Appellant has examined the doctor, who is working at NIMS, as PW3. He has deposed about the injuries sustained by the appellant. Ex.A4 is the injury certificate as per the said certificate, he has received grievous injuries. Ex.A6 are the medical bills to show that he has purchased medicines. In the cross examination, PW3 has admitted that though he has no personal knowledge about the injuries, he has been deposing by going through the documents.

In Ex.A4, which is medical legal case certificate, the injuries received by the appellant have been narrated.

4. The learned tribunal while considering oral and documentary evidence has held that the medical bills Rs.4,535/-, 4,560/-, 4,110/-, 4,005/- are not proved by the petitioner. The learned tribunal has ignored the fact that the petitioner has examined himself as PW1 and deposed about the medical bills and through which he has purchased the medicines. No contrary evidence is coming forward that the bills produced by the appellant are created. Therefore, this appellate court is not convinced with the observations of the trial court that 4 medical bills cannot be taken into consideration. Thereby the medical bills which are declined by the trial court can be accepted.

5. Considering the circumstances, the appeal is allowed in part and directed the respondent to pay the four medical bills Rs.4,535/-, 4,560/-, 4,110/-, 4,005/- with interest at the rate of 7 ½ % per annum. Rest of the orders stands good.

6. Accordingly, orders are allowed in part. However, no order as to costs.

As a sequel, pending miscellaneous applications, if any,
shall stand closed.

Date: 24.06.2022
BV

DR. D.NAGARJUN, J