

SUPREME COURT OF INDIA

North West Karnataka Rd. Transport Corp.

Vs.

Gourabai

C.A.No.3171 of 2009

(Dr. Arijit Pasayat and Asok Kumar Ganguly JJ.)

01.05.2009

JUDGMENT

Dr.Arijit Pasayat, J.

1. Heard. Leave granted.

2. Challenge in this appeal is to the order passed by the learned Single Judge of the Karnataka High Court dismissing the appeal filed by the appellant. Challenge in the said appeal was to an award made by the Motor Accident Claims Tribunal No. VII, Bijapur (in short MACT). An award of Rs.2,59,400/- was made. The main contention of the appellant before the MACT as well as before the High Court was that the deceased did not sustain any injury in any accident involving the bus of the corporation. Reference was made to the evidence of the doctor, who had admitted the deceased to the hospital, that the deceased had suffered head injury due to fall from the height of 8 to 10 feet of his own house. Though this was specifically stated in the written statement, the MACT and the High court brushed aside the same stating that there was indirect admission about the deceased having sustained injury in vehicular accident. The effect of the evidence of the doctor and exhibit R-1 does not appear to have been looked into by the MACT and the High Court. MACT did not place reliance on the document R-1 on the ground that the brother of the injured stated that he did not know what was written in the document and his signature was taken on one page. This conclusion overlooks from the fact that a doctor will not take a signature on a piece of paper mentioning something which is not correct. Exhibit R-1 establishes beyond the shadow of doubt that the injuries sustained were not on account of any vehicular accident. That being so, the MACT and the High Court were not justified in making any award. The order of the MACT and High Court stands set aside.

3. The appeal is accordingly, allowed.