

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

C.M.A.No.2262 OF 2004

JUDGMENT:

The claimant who maintained the claim under Section 166 of the Motor Vehicle Act, 1988 (*for short, 'the Act'*), in O.P.No. 1149 of 1998 on the file of the learned Chairman of the Motor Accidents Claims Tribunal-cum-District Judge, Nizamabad (*for short, 'Tribunal'*), for the claim of Rs.3,00,000/- for the injuries viz, compound fracture of left leg at two places, injury to right leg, head and other parts of the body in the accident dated 30.11.1998, caused by rash and negligent driving of the driver of the crime tractor bearing No.AP25/T-3395 along with trolley, belongs to the 1st respondent insured with the 2nd respondent, since granted Rs.1,02,299/- with interest at 9% p.a. by fixing joint liability against both the respondents by award dated 10.03.2004, having been aggrieved by the same, preferred this appeal with the contentions in the grounds of appeal as well as submissions during the course of hearing that the compensation awarded by the tribunal is utterly low, that the tribunal erred in not considering the gravity of the injuries and duration of treatment, that the tribunal not granted any compensation towards attendant charges though the claimant in his evidence categorically stated in his evidence that he spent Rs.1500/- per month for three years to an attendant; and the tribunal erred in ignoring disability of 60% as per Ex.A.6 disability certificate issued by the P.W.2 doctor, hence to set aside the award and grant compensation as prayed for.

2. Whereas, it is the contention of the learned counsel for the contesting 2nd respondent-insurer that the award of the tribunal holds good and for this Court while sitting in appeal there is nothing to interfere with the award of the tribunal, hence to dismiss the appeal.

3. Perused the material on record. The parties hereinafter are referred to as arrayed before the Tribunal for the sake of convenience in the appeal.

4. *Now the points that arise for consideration in the appeal are:*

1. *Whether the compensation awarded by the Tribunal is unjust and utterly low and requires interference by this Court while sitting in appeal against the award, if so, with what compensation, what rate of interest and with what observations?*

2. *To what result?*

POINT-1:

5. There is no dispute as to the manner of the accident but for quantum of compensation. So far as the so called disability certificate under Ex.A.6 issued by P.W.2 doctor L.Ramulu, who is well known for his incredibility as several remarks observed by this Court several times not to give sanctity to his evidence or certificates, so no credence can be given to Ex.A.6 so called disability certificate and also for the reason of the doctor Sreenivas Rao Naidu, who issued prescriptions under Exs.A.4,5 and A.7 not even examined to speak any disability much less the same is shown in Ex.A.3 wound certificate to consider disability in this regard. Once the disability is not taken into consideration, for the other injuries what the tribunal awarded of Rs.1,02,229/- no way requires interference. Accordingly, Point No.1 is answered.

POINT No-2:

6. In the result, the appeal is dismissed. There is no order as to costs in the appeal. Consequently, miscellaneous petitions, if any, pending in this appeal shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 10.04.2015

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