

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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M.A.C.M.A.No.1746 of 2005

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JUDGMENT:

This appeal is preferred by the claimant in O.P.No.2200 of 2001, dated 22.03.2004, on the file of the IV Additional Chief Judge – cum – Motor Accident Claims Tribunal, City Civil Court, Hyderabad.

The claimant filed the petition claiming compensation of Rs.1,25,000/- alleging that while he was going on Bajaj Chetak scooter bearing No.ATY 4527 as a pillion rider at flyover bridge at Dhabirpura, Hyderabad, a Maruti Van bearing No.AP 9B 9262 hit the scooter due to which he sustained grievous injuries. The owner of the vehicle remained *ex parte* and the Insurance Company opposed the claim of the claimant. The Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the Maruti Van bearing No.AP 9B 9262. It was noticed that the claimant sustained fracture of both bones of left leg. Ex.A8 – injury certificate, was issued by the Osmania General Hospital. P.W.2 was examined to show that the petitioner sustained the fractures and the disability was around 20%, but no disability certificate was issued. On the basis of the medical record, the Tribunal awarded an amount of Rs.40,000/- for the fractures sustained by the claimant apart from awarding Rs.10,000/- towards pain and suffering. An amount of Rs.4,000/- was awarded towards medicines, extra nourishment and other incidental expenses. For the hospitalization of three months, an amount of Rs.4,500/- was awarded for the loss of earnings. Thus, an amount of Rs.58,500/- was awarded to the claimant along with interest at 9% per annum from the date of the petition till the date of realization.

Though the learned Counsel for the appellant vehemently contended that, in view of the disability of 20%, as opined by P.W.2 in his evidence, the

Tribunal ought to have awarded more compensation.

This Court is not satisfied with the said contention, as no disability certificate was produced before the Tribunal. Taking into consideration the over all injuries sustained by the claimant, the award of the Tribunal appears to be just and proper.

In the circumstances, there are no merits in the appeal and the same is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

05.11.2015

vs

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