

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

MACMA No. 766 OF 2005

DATED 19TH November, 2015

BETWEEN

Devuni Madhukar

...Appellant

And

Ahmad Kasim Bhai and anr

...Respondents.

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

MACMA No. 766 OF 2005

JUDGMENT:

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This appeal is preferred by the injured claimant seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal-cum-District Judge, Nizamabad through its Award dated 8.10.2004 passed in OP.No.341 of 1998.

It was stated in the claim petition that the claimant sustained injuries in a motor vehicle accident that occurred on 13.4.1998. When he was standing on the side of the road at Suryanagar road near graveyard on the aforesaid date, a lorry bearing registration No.GJ 10 U 5363 being driven in rash and negligent manner and at high speed by its driver, dashed the claimant. The claimant claimed an amount of Rs.2,00,000/- towards compensation. He was stated to be aged about 12

years and was studying 4th class and also doing cooli work as on the date of accident. The Tribunal having gone through the evidence on record held that the accident occurred due to rash and negligent driving of the crime lorry by its driver. With regard to the compensation, the Tribunal awarded Rs.30,000/- towards disability, Rs.5000/- towards pain and suffering and Rs.5000/- towards medical expenditure, in total Rs.40,000/- with interest at 9% per annum.

Lacerated injury on the left angle, swelling and deformity on right thigh, fracture of right femur are the injuries stated to have been suffered by the claimant in the alleged accident. Though the claimant was admitted in the Government Headquarters Hospital, Nizamabad on 13.4.1998, medical certificate issued by the said Government Hospital was not filed. However, medical certificate issued by P.W.2 on 13.4.1998 was filed. P.W.2 was a stock witness in several cases and his evidence was not reliable to assess the compensation. In the most of the cases, he stated that the disability is 50%. If the evidence of P.W.2 who issued Ex. C3 is eschewed, there is no evidence on record to show that the claimant suffered disability due to the injuries sustained in the alleged accident. The record discloses that the claimant was admitted in the Government Hospital on 13.4.1998 and was discharged on 30.4.1998, i.e. after fifteen days. The Tribunal rightly awarded an amount of Rs.40,000/- taking into consideration the nature of injuries suffered by the claimant in the alleged accident. I do not see any valid and legitimate ground to allow the appeal having regard to the facts and circumstances of the case.

The Civil Miscellaneous Appeal is accordingly dismissed.
Miscellaneous petitions pending consideration if any in the
appeal shall stand closed in the light of the aforesaid final order.
No order as to costs.

JUSTICE A. RAMALINGESWARA RAO

DATED 19th November, 2015..
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