

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

MACMA.No.1536 of 2009

JUDGMENT:

Seeking enhancement, the present appeal is preferred by the petitioner – claimant in O.P.No.1409 of 2004 on the file of the Chairman, Motor Accident Claims Tribunal-cum-VI Additional District Judge (FTC), Nizamabad (for short, 'the Tribunal'), feeling that the compensation of Rs.1,44,000/- granted by the Tribunal, in its award dated 29.09.2006 in the said O.P., as against the claim of Rs.2,00,000/- laid under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act'), is meagre.

2. The appellant herein is the petitioner, while respondent Nos.1 & 2, the erstwhile Andhra Pradesh State Road Transport Corporation represented by its Managing Director of Musheerabad, and the Depot Manager of Kamareddy, respectively, were respondent Nos.1 & 2, respectively, in the original petition.

3. For the sake of convenience, the parties are hereinafter referred to as they were arrayed before the Tribunal in the original petition.

4. The fact situation occurring in the instant case as to the taking place of the accident and the petitioner

receiving injuries are not disputed by the respondents, who represent the erstwhile Andhra Pradesh State Road Transport Corporation, but the disputed facts are the quantum of compensation and the manner in which the determination was done by the Tribunal.

5. Heard Sri Venkateshwar Varanasi, learned counsel for the appellant, and Sri N.Vasudeva Reddy, learned counsel for respondent Nos.1 and 2.

6. Learned counsel for the appellant would submit that the amount shown in the medical bills was not granted by the Tribunal and even the deduction of 1/3rd towards personal expenses was not permissible, as it is a case where the petitioner sustained injuries and, therefore, sought to grant the balance amount.

7. Learned Standing Counsel for the Corporation would submit that the Tribunal was not right in granting huge amount of Rs.1,44,000/- towards compensation.

8. Perused the order and evidence on record.

9. In fact, the photograph of the petitioner affixed on the claim petition and the disability certificate marked as Ex.C2 issued by P.W.2, a private doctor, would show that the petitioner would not be less than 50 years of age. There is material on record to show that he was aged 50

years, though, at some places, his age was shown as 40 or 44 years. From the attested copy of the Medico Legal record, which was filed by the petitioner himself, it is clear that his original age was 55 years, but the same was tinkered to show as '40', to give an impression that he was 40 years old, with a view to get more compensation by applying higher multiplier factor and the petitioner also obtained disability certificate from a doctor, who is not competent to issue such certificate without elaborating the degrees of restriction, that too, when the Medical Board constituted at the District Head Quarters Hospital is functioning. Thus, the very tinkering is sufficient enough to hold that the petitioner is not entitled to any enhancement at all.

10. Accordingly, the appeal is dismissed, confirming the award and decree passed by the Tribunal in all respects, including the rate of interest. There shall be no order as to costs.

11. As a sequel thereto, miscellaneous applications, if any pending in the instant appeal, shall stand closed.

**JUSTICE A.SHANKAR
NARAYANA**

12.08.2016

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