

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

M.A.C.M.A. No.2571 OF 2009

JUDGMENT:

The present Civil Miscellaneous Appeal under Section 173 of the Motor Vehicles Act, 1988 (for short 'the Act') is preferred by the petitioner seeking enhancement of compensation for the injury sustained by her in a road accident, having got dissatisfied with the compensation of Rs.10,000/- granted by the learned Chairman, Motor Accidents Claims Tribunal - cum - III Additional District Judge (Fast Track Court), Nizamabad (for short "Tribunal") by the order and decree dated 19.07.2005 in O.P. No.1831 of 2001, as against her claim of Rs.1,00,000/- laid under Section 166 of the Act.

2. There is no dispute in regard to the fact situation occurring in the instant case.

3. The Tribunal having framed three (3) issues, examined the petitioner as PW.1 and marked Exs.A-1 to A-7 on behalf of the petitioner - appellant; and on behalf of the insurer, insurance policy of the Jeep bearing No.AP-25/T/7294 that involved in the accident is marked as Ex.B-1, but no witness was examined.

4. Respondent No.1, owner of the Jeep that involved in the accident, remained *ex parte* before the Tribunal.

5. The Tribunal recorded findings in favour of the petitioner. However, concerning award of compensation, having found that

Ex.A-3, which is wound certificate issued by the Government Head Quarters Hospital, Nizamabad that the petitioner sustained one simple injury on her nose, granted Rs.4,000/- for the same, and taking in to consideration, the amount mentioned in Exs.A-4 and A-5, awarded Rs.5,000/- towards cost of medicines and extra-nourishment besides granting Rs.1,000/- towards pain and suffering. Thus, a total sum of Rs.10,000/- was granted with interest at 9% per annum.

6. Heard Sri Varanasi Venkateshwar, learned counsel for the petitioner (appellant).

7. No representation for respondent No.2 - insurer.

8. It is endorsed in the cause title of the grounds of appeal itself that respondent No.1 is not a necessary party.

9. Perused the order and the decree under challenge and the evidence on record, more, particularly, Ex.A-3 wound certificate.

10. Though, the petitioner claimed Rs.1,00,000/- stating that she sustained fractures to her both legs, skull and other multiple injuries all over her person, the document marked as Ex.A-3, which is wound certificate issued by the Deputy Civil Surgeon, Head Quarter Hospital, Nizamabad, reflects that she sustained only one simple injury which was fresh. Thus, no other injuries are to be found except the injury on nose measuring 1½" x 1". Therefore, the amount granted by the Tribunal cannot at all be said to be on lower side and,

in fact, even for a simple injury, the Tribunal has granted Rs.4,000/- and Rs.1,000/- towards pain and suffering. Thus, there is no merit in the appeal.

11. Therefore, the Civil Miscellaneous Appeal is dismissed confirming the order and the decree under challenge. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in the appeal stand disposed of.

November 16, 2016.

PV

A. SHANKAR NARAYANA, J

