

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

M.A.C.M.A No.393 OF 2010

JUDGMENT:

The injured claimant of O.P. No.114 of 2005 on the file of Motor Accidents Claims Tribunal-cum-District Judge at Nizamabad (for short 'the Tribunal') against owner and insurer of the lorry bearing No.HR 55/A 8266 for a compensation of Rs.4,00,000/- under Section 166 of M.V.Act (for short 'the Act') for the injuries sustained by him in the motor accident dated 24.04.2004 saying while he was travelling in an auto bearing No.AP 25 U 6698, the lorry bearing No.HR 55/A 8266 of the 1st respondent insured with 2nd respondent driven by its driver in a rash and negligent manner, dashed the auto, due to which he sustained injuries and after contest of the respondents, the Tribunal on 23.08.2007 by its award held that the accident was the result of rash and negligent driving of the lorry driver—1st respondent, awarded compensation of Rs.1,53,150/- with interest at 7.5% per annum with joint liability against respondents, impugning the quantum of compensation as utterly low, maintained the present appeal.

2) Heard and perused the material on record.

3) It is the contention of the learned counsel for the injured claimant that the Tribunal gravely erred in considering 50% permanent disability considering Ex.A4—disability certificate and the Tribunal could have adopted the multiplier method in calculating the compensation and thereby, prayed to allow the appeal as prayed for before the Tribunal.

4) Whereas it is the contention of the learned standing counsel for insurer that the disability certificate is only for claiming benefit as social welfare measure and not for medico legal purpose and out of six injuries covered by Ex.A3—wound certificate, but for five are

simple in nature and even from perusal of the injury No.6, there is no possibility of any mal-union, much less to assess 50% permanent disability and the compensation awarded by the Tribunal is highly excessive and exorbitant and for this Court while sitting in appeal there is nothing to interfere, hence to dismiss the appeal.

5) A perusal of Ex.A4—disability certificate shows it is not issued for medical purposes. Even from Ex.A13—photograph of petitioner, it shows no permanent disability, but for the attempt to make to appear on close scrutiny there is no mal union. There is no even worth evidence from the records of medical examination including from that of PW.2, thereby the quantum of compensation no way requires interference.

6) Accordingly and in the result, the appeal is dismissed confirming the compensation awarded by the Tribunal in all respects. No order as to costs.

7) Consequently, Miscellaneous petitions, if any pending in this appeal, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.14.11.2016
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