

SMT JUSTICE T. RAJANI

MACMA.No.50 of 2006

ORDER:

This appeal is preferred by the appellant who is the claimant before the Court below assailing the judgment of learned II Additional District Judge, Visakhapatnam, in M.O.P.No.1093 of 1999 dated 06.12.2003 so far as dismissing the claim against respondent No.3 insurance company is concerned and also the quantum.

Heard both the learned counsel.

Learned counsel for the appellant drew the attention of this Court to paragraph 17 of the impugned judgment wherein the Court below took up the discussion with regard to the existence of insurance policy in respect of the offending vehicle as on the date of accident and mentioned that I.C. Note No.38324 was given by the claimant in the claim petition itself. But, however, making it easy for this Court, learned standing counsel for the insurance company, submits that his verification subsequent to the disposal of M.O.P. showed that insurance policy was in subsistence as on the date of accident. Hence, the judgment of the Court below to the extent of ignoring respondent No.3 from its liability needs to be set aside.

As regards the quantum of compensation, the claimant sustained two injuries which are fractures to right tibia and left radius. He was adequately compensated by awarding Rs.15,000/- and Rs.10,000/- respectively. With regard to the medical expenditure, the Court below, having noted that the same was reimbursed, did not choose to award any amount. The Court below awarded Rs.3,000/- only towards loss of earnings during the period of treatment by considering the fact that the claimant did not file any document in support of his contention that he was absent for duty for six months. There is absolutely no disability that is established by the claimant. Hence, this Court does not find any reason to interfere with the judgment of the Court below, as, on the basis of the available material before it, the Court could not have done better than what was done by it.

In terms of the above discussion, the appeal is disposed of.

Pending miscellaneous petitions, if any, shall stand closed.

No order as to costs.

30th JUNE, 2017.

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SMT. T. RAJANI, J