

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A. No.1502 OF 2005

JUDGMENT:

1. This Appeal, under Section 173 of the Motor Vehicles Act, 1988 (for short, 'the Act'), is filed by the appellant-petitioner, aggrieved by the award dated 18.03.2005 passed in O.P. No.257 of 2003 by the Chairman, Motor Accidents Claims Tribunal-cum-XIV Additional Chief Judge (Fast Track Court), City Civil Court, Hyderabad (for short, 'the Tribunal').

2. Heard the learned counsel for the appellant-petitioner, learned standing counsel for the 2nd respondent-insurer and perused the record. The Appeal against the 1st respondent-owner of D.C.M. Mitsubishi Canter bearing registration No.AHT 5460 (for short, 'the crime vehicle') was dismissed for default *vide* order of this Court on 08.02.2016. However, absence of owner of the crime vehicle is of no consequence to decide the quantum of compensation in view of a Division Bench decision of this Court in ***Meka Chakra Rao Vs. Yelubandi Babu Rao @ Reddemma and others***¹.

3. For convenience of reference, the parties hereinafter are referred to as arrayed before the Tribunal.

4. Learned counsel for the appellant-petitioner would submit that the petitioner suffered grievous injuries, spent Rs.40,000/- towards medical expenses and when claimed a compensation of Rs.2,00,000/- the Tribunal had granted a compensation of Rs.3,000/- which is quite low and unreasonable, prayed to allow the Appeal and enhance the compensation as claimed.

¹ 2001 (1) ALT 495 (DB)

5. On the other hand, learned standing counsel for the 2nd respondent-insurer would contend that the petitioner suffered only one simple injury and there is also no evidence to show the alleged amount incurred by him towards medical expenses and the Tribunal has taken all the factors into consideration while awarding just and reasonable compensation of Rs.3,000/- and there are no circumstances to interfere with the impugned award and ultimately prayed to dismiss the Appeal.

6. In the circumstances put forth by both parties, the short point requires to be determined is whether the appellant-petitioner is entitled for enhancement of compensation?

7. **POINT:** As per the evidence of P.W.2 and the medical record placed before the Court, the petitioner suffered only one simple injury and he failed to produce the medical bills in support of his claim. The Tribunal had analyzed the entire evidence on record, assigned valid reasons for awarding an amount of Rs.3,000/- to the petitioner, which finding is based on evidence and record. Hence, there is no infirmity in the impugned award. The Appeal is devoid of merits and is liable to be dismissed.

8. In the result, the Appeal is dismissed confirming the award dated 18.03.2005, passed in O.P. No.257 of 2003 by the Tribunal.

9. As a sequel, pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

Dr. SHAMEEM AKTHER, J

Date: 25.10.2017.
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