

HON'BLE Dr.JUSTICE SHAMEEM AKTHER

MACMA No.663 of 2007

JUDGMENT:

Heard learned counsel for the appellant/claimant and Standing counsel for 2nd respondent. The claim against respondent No.1 – owner of the vehicle has been dismissed for default vide order dated 08.07.2016. The dismissal of claim against owner of the vehicle is not a bar to adjudicate this appeal on merits in view of the decision in **Meka Chakra Rao v. Yelubandi Rama Rao**¹. Hence, this appeal is being disposed of on merits.

2. Learned counsel for the appellant would submit that appellant has suffered grievous injuries on left leg, left cheek, left shoulder and was bed ridden and the Tribunal has granted compensation of only Rs.14,000/-, which is meagre. Though there is ample evidence the Tribunal erred in granting meagre compensation to the appellant as against his claim for compensation of Rs.40,000/- and ultimately prayed to enhance the compensation as prayed for.

3. Learned counsel for the respondent-insurance submits that the Tribunal after considering the evidence on record, ultimately granted Rs.14,000/- which is just and reasonable and there is no circumstance to interfere with the same.

4. In view of the contentions put forth by the counsel the point for determination in this appeal is whether the appellant is entitled for enhancement of compensation as prayed for.

¹ 2001 (1) ALD 453

5. As seen from the order, the Tribunal while determining the matter, observed that that appellant suffered multiple abrasions over left leg and thigh and one lacerated injury over left cheek and a deep cut injury on left shoulder and for that it granted Rs.8,000/- towards paid and suffering. Though appellant claimed Rs.10,000/- towards medical expenses, he has not filed any medical bills or prescriptions. As such, the Tribunal granted Rs.3,000/- towards medical expenses. It also granted Rs.1,000/- towards extra nourishment and Rs.2,000/- towards loss of earning. In all, the Tribunal has granted Rs.14,000/-.

6. In view of the evidence of PW.1 and documents marked as Exs. A1 to A6, the amount of compensation granted i.e., Rs.14,000/- is quite reasonable. Therefore, no change is necessitated. The same is confirmed.

7. In the result, the appeal is dismissed.

8. Miscellaneous applications, if any, pending in this appeal shall stand closed.

June 27, 2017
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Dr.SHAMEEM AKTHER, J