

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

[Special Original Jurisdiction]

FRIDAY THE EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND SEVENTEEN

P R E S E N T
HONOURABLE DR. JUSTICE SHAMEEM AKTHER

MACMA.No. 474, 476, 540 & 732 OF 2005

Between: **MACMA.No. 474 of 2005.**

Basa Santha Kumari ... Appellant/claimant

V/s.

Gopal Singh & Ors. ... Respondents-Respondents

Between: **MACMA.No. 476 of 2005.**

Vudugula Kondala Rao & Ors. ... Appellants/claimants

V/s.

Gopal Singh & Ors. ... Respondents-Respondents

Between: **MACMA.No. 540 of 2005.**

Maddi Venkatagiri ... Appellant/claimant

V/s.

Gopal Singh & Ors. ... Respondents-Respondents

Between: **MACMA.No. 732 of 2005.**

Vudugula Kondala Rao & Ors. ... Appellants/claimants

V/s.

Gopal Singh & Ors. ... Respondents-Respondents

Counsel for the Appellants : Sri Jayanthi SC Sekhar

Counsel for the Respondents : R-1 to R-4 None appeared
Sri Bathula Raj Kumar
Sri D.B. Vivekanand

The court made the following: [common judgment follows]

HONOURABLE DR. JUSTICE SHAMEEM AKTHER

MACMA.No. 474, 476, 540 & 732 OF 2005

COMMON JUDGMENT :

These Civil Miscellaneous Appeal are filed by the appellants/claimants against the common award and decree dated 23/12/2003 passed in MOP.Nos. 630, 860, 617 and 830 of 2011 by the Motor Accidents Claims Tribunal [District Judge], Vizianagaram district.

2. Heard the counsel appearing on behalf of appellants/claimants as well as the learned standing counsel appearing on behalf of the respondent No.5-The Oriental Insurance Company Limited, Visakhapatnam.

3. The counsel appearing on behalf of the appellants would contend that the appellants/claimants have suffered simple and grievous injuries. But the Tribunal has granted meagre compensation, which is quite unreasonable, unjust and ultimately prayed to enhance the compensation.

4. On the other hand, learned standing counsel appearing on behalf of the respondent No.5 contended that the Tribunal has analysed the entire evidence and granted just and reasonable compensation. There are no grounds to enhance the compensation and ultimately prayed to dismiss all these appeals.

5. In view of the rival claims putforth by both the parties, the point for determination is whether the appellants in all these appeals are entitled for enhancement of compensation ?

6. As seen from the oral and documentary evidence placed on record, the Tribunal has granted compensation of Rs.1,20,000/- in MACMA.No. 474 of 2005, Rs.50,000/- in MACMA.No. 476 of 2005, Rs.7,43,000/- in MACMA.No. 540 of 2005 and Rs.3,90,000/- in MACMA.No. 732 of 2005 =respectively. The Tribunal has placed reliance on the oral and documentary evidence and granted compensation as noted above in favour of the appellants/claimants in all these appeals. While granting compensation the Tribunal has taken care to award compensation on all heads; such as, pain and suffering, medical expenses and loss of earnings etc.

7. After analysing the entire evidence, the Tribunal has arrived just and reasonable compensation in all these appeals and no head is left over to enhance compensation. On perusal of the award and decree in all these appeals, the calculation made by the Tribunal is based on medical evidence. In these circumstances, there are no justifiable grounds to interfere with the award and decree passed by the Tribunal and there is nothing to take a different view. The findings of the Tribunal is supported by cogent and clinching reasons, therefore, there is nothing to take a different view. The

appeals are devoid of merit and the same are accordingly dismissed. There shall be no order as to costs.

5. As a sequel, miscellaneous petitions if any, pending in all these MACMAs shall stand disposed of.

DR. JUSTICE SHAMEEM AKTHER.



08/09/2017
I s L

HONOURABLE DR. JUSTICE SHAMEEM AKTHER

MACMA.No. 474, 476, 540 & 732 OF 2005
(COMMON JUDGMENT)
[ALL MACMA's DISMISSED]



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