

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2582 of 2006

JUDGMENT:

Aggrieved by the grant of compensation of Rs.42,000/- as against a claim of Rs.2,00,000/- by the Chairman, Motor Accident Claims Tribunal-cum-I Additional District Judge, Khammam ('the Tribunal', for brevity), vide order, dated 04.09.2006, passed in O.P.No.211 of 2003, the claimant preferred this appeal under Section 173 of the Motor Vehicles Act, 1988 ('the Act', for brevity) seeking enhancement of compensation.

2. Despite listing this matter under the caption "For Orders", there is no representation for both sides. This appeal is of the year 2006. Hence, this appeal can be disposed of on merits basing on the material available on record, without waiting for the learned counsel for both sides to advance arguments.

3. In the grounds of appeal, the appellant-claimant contended that the Tribunal granted meagre amount as compensation. The Tribunal ought to have taken the grievous injuries suffered by the appellant-claimant and the medical expenses incurred by her into consideration. The Tribunal had also not taken the head injury, dental bone depress fracture, hemorrhagic contusion of the brain, mandible fracture, fracture to jaw, breakage of five teeth, cut injury to right wrist, cut injury to right eyebrow, grievous injury on right side and back side of head etc., into consideration and ultimately prayed to enhance the compensation as claimed.

4. In view of the above, the only point that arises for consideration in this appeal is whether the appellant-claimant is entitled for enhancement of compensation as claimed.

5. There is evidence of P.W.1 and P.W.2 coupled with documentary evidence under Exs.A.1 to A.6 on record, on the side of the appellant-claimant. No evidence is adduced on behalf of the 2nd respondent-Insurance Company. As per Ex.A.3-Certified Copy of Medical Certificate, the appellant-claimant suffered fracture to her mandible under the tongue. Though the appellant-claimant contended that she lost her memory power, no doctor was examined to prove the same and there is no certificate issued by competent Medical Board to that effect. Relying on the oral and the documentary evidence on record, the Tribunal granted Rs.30,000/- for the injuries, pain and suffering, Rs.2,000/- towards extra-nourishment and conveyance, Rs.2,000/- towards attendant charges and Rs.8,000/- towards medical expenses. In all, the Tribunal granted a compensation of Rs.42,000/- to the appellant-claimant with interest @ 7.5% per annum from the date of petition till the date of deposit. The assessment and grant of said compensation by the Tribunal is based on evidence on record. There are no circumstances to enhance the compensation. The appeal is devoid of merit and is liable to be dismissed.

6. In the result, the appeal is dismissed. No costs.

Miscellaneous Petitions pending, if any, shall stand closed. There shall be no order as to costs.

18th July, 2018
Bvv

Dr. SHAMEEM AKTHER, J