

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

C.M.A.No.4257 of 2004

JUDGMENT:

Aggrieved by the grant of compensation of Rs.40,500/- as against a claim of Rs.2,00,000/- by the Chairman, Motor Accident Claims Tribunal-cum-I Additional District Judge, Karimnagar ('the Tribunal' for brevity), vide order, dated 27.07.2004, passed in O.P.No.145 of 2002, the claimant preferred this appeal under Section 173 of the Motor Vehicles Act, 1988 ('the Act', for brevity) seeking enhancement of compensation.

2. In spite of listing the matter under the caption "For Orders", there is no representation for the appellant-claimant. This appeal is of the year 2004. Under these circumstances, this appeal can be disposed of on merits without waiting for the learned counsel for the appellant-claimant to advance arguments. Heard the learned Standing Counsel for the 3rd respondent/United India Insurance Company Limited and perused the record.

3. The learned Standing Counsel for the 3rd respondent-Insurance Company would contend that the Tribunal had granted just and reasonable amount as compensation to the appellant-claimant. There is nothing to take a different view and ultimately prayed to dismiss the appeal.

4. As seen from the record, the appellant-claimant suffered injuries in a road accident that occurred on 21.11.2001 due to the rash and negligent driving of the driver of the Eicher Van bearing registration No.AP-15-V-2347. As seen from the medical and

documentary evidence on record, the appellant-claimant suffered two fracture injuries, i.e, one to the neck of 3rd and 4th metatarsal of left foot and the other is the transverse fracture over L-4 vertebra on right side. Taking these injuries into consideration, the Tribunal awarded a sum of Rs.20,000/- under the head pain and suffering, Rs.12,432/- towards medical expenses, Rs.3,000/- under the head loss of income during the period of rest and recovery, and Rs.5,000/- under the head future loss of amenities and life. In all, the Tribunal awarded a compensation of Rs.40,500/- to the appellant-claimant along with interest at the rate of 9% per annum from the date of petition till the date of deposit and proportionate costs. The Tribunal had assessed and granted compensation on all heads. Nothing is left over. Granting compensation of Rs.40,500/- for the injuries suffered by the appellant-claimant and the consequences arose from those injuries is quite just and reasonable. The findings of the Tribunal are based on evidence. There is no infirmity in the award passed by the Tribunal. The appeal is devoid of merit and is liable to be dismissed.

5. In the result, the appeal is dismissed.

Miscellaneous Petitions pending, if any, shall stand closed. No order as to costs.

13th June, 2018
Bvv

Dr. SHAMEEM AKTHER, J