

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3764 of 2005

JUDGMENT:

This appeal, under Section 173 of the Motor Vehicles Act, 1988 ('the Act', for brevity) is filed by the appellant-claimant, challenging the order, dated 14.07.2005, passed in M.V.O.P.No.95 of 1999 by the Chairman, Motor Accident Claims Tribunal-cum-Principal District Judge, Khammam ('the Tribunal', for brevity).

2. Heard the learned counsel for the 3rd respondent-Insurance Company and perused the record. Despite listing the matter under the caption "For Orders", there is no representation for the appellant-claimant. This appeal is of the year 2005. Hence, this appeal can be disposed of on merits, basing on the material available on record, without waiting for the learned counsel for the appellant-claimant to advance arguments.

3. The learned Standing Counsel for the 3rd respondent-Insurance Company would contend that the subject accident occurred in the year 1998. The appellant-claimant sustained six grievous injuries and two simple injuries in the subject accident. The Tribunal granted excess compensation of Rs.2,47,000/- with interest @ 9% per annum from the date of petition till realisation as against a claim of Rs.9,00,000/- in favour of the appellant-claimant. There are no circumstances to enhance the

compensation and ultimately prayed to dismiss the appeal by confirming the order under challenge.

4. In the grounds of appeal, the appellant-claimant contended that the Tribunal granted meagre compensation. The Tribunal did not appreciate the entire evidence on record in proper perspective. Further, the Tribunal did not consider the medical evidence while granting compensation and ultimately prayed to enhance the compensation as claimed.

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

6. It is not in dispute that the appellant-claimant suffered injuries in the subject accident occurred on 30.06.1998, due to rash and negligent driving of the driver of the Tata Sumo bearing registration No.AP-20-C-8586. As per Ex.A.3-Certified copy of Medical certificate, the appellant-claimant suffered six grievous injuries and two simple injuries in the subject accident. Ex.A.4-Medical Prescriptions corroborate the same. As per Ex.A.7-Letter issued by Dr.Adilaxmi Devi, the appellant-claimant lost his left eye sight due to the accidental injuries. Ex.A.8 is the blindness certificate of left eye of the appellant-claimant. Considering the same, the Tribunal granted a compensation of Rs.1,50,000/- for six grievous injuries @ Rs.25,000/- per grievous injury, Rs.5,000/- for two simple injuries @ Rs.2,500/- per each simple injury, Rs.57,000/- towards medical expenses, Rs.15,000/- towards pain and suffering and Rs.20,000/-

towards loss of earnings, extra-nourishment and transportation charges. In all, the Tribunal granted a compensation of Rs.2,47,000/- with interest @ 9% per annum from the date of petition till realisation in favour of the appellant-claimant.

7. Grant of aforementioned compensation for the injuries suffered by the appellant-claimant in the subject accident and the consequences arose therefrom is just and reasonable. There are no circumstances to enhance the compensation granted by the Tribunal. The appeal is devoid of merit and is liable to be dismissed.

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

Miscellaneous Petitions pending, if any, shall stand closed.

20th September, 2018
Bvv

Dr. SHAMEEM AKTHER, J

