

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2810 OF 2005

JUDGMENT:

This appeal is filed by the appellant-claimant under Section 173 of the M.V. Act, aggrieved by the judgment, dated 24.06.2004, in O.P.No.181 of 1998, passed by the Motor Accident Claims Tribunal-cum-District Judge, Nizamabad, for enhancement of compensation.

2. Heard learned counsel for the appellant, learned standing counsel for the respondent-Insurance Company and perused the record.

3. Learned counsel for the appellant would submit that the Tribunal had not taken into consideration the grievous injuries suffered by the appellant. Further, the Tribunal ought to have determined the compensation payable to the appellant in view of injuries sustained by her i.e., fracture of both legs and other injuries. The appellant spent huge amount for treatment and for transportation. The Tribunal had granted only compensation of Rs.5,000/- as against the claim of Rs.1,50,000/- and ultimately, prayed to enhance the compensation.

4. On the other hand, learned standing counsel for the respondent-insurer would contend that there is no evidence to hold that the appellant suffered grievous injuries and undergone operation etc., The Tribunal relying on the oral and documentary evidence granted compensation of Rs.5,000/-, which is quite just and reasonable and ultimately, prayed to dismiss the appeal.

5. There is no dispute with regard to suffering of injuries by the appellant due to rash and negligent driving of the van bearing No. MH 23-315 by its driver. As seen from the evidence of P.W.1 and the document Ex.A3-discharge ticket said to have been issued by the Government Hospital, Nizamabad, it is clear that the appellant suffered injuries. It also reveals that the appellant was discharged from the hospital on 01.08.1997. Except Ex.A3-discharge ticket, there is no other document to show that the appellant had suffered grievous injuries and that she was operated and spent huge amount as contended. As per Ex.A3, the appellant received contusion on left thigh and the lacerated wound on the right foot. There is no mention of fractures therein as contended. There is also no mention of undergoing operation. The appellant did not file wound certificate, medical record particularly case sheet to substantiate her contentions. There is no record to show that the appellant spent huge amount towards treatment. As per Ex.A2-charge sheet, the appellant suffered only simple injuries.

6. Under these circumstances, it can safely be concluded that the appellant suffered only two simple injuries. The Tribunal having analyzed the entire evidence on record, rightly concluded that the appellant suffered simple injuries and awarded compensation of Rs.5,000/-. There is nothing to take a different view. Therefore, the appeal is devoid of merit and is liable to be dismissed.

7. Accordingly, the Appeal is dismissed confirming the judgment, dated 24.06.2004, in O.P.No.181 of 1998, passed by the Motor Accident Claims Tribunal-cum-District

Judge, Nizamabad No order as to costs. Miscellaneous petitions, if any pending in this appeal shall stand closed.

DR.SHAMEEM AKTHER, J

DATED: 08-06-2018
Hsd

