

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

C.M.A.No.1580 of 2004

JUDGMENT:

This appeal, under Section 173 of the Motor Vehicles Act, 1988, is filed by the appellant/the Oriental Insurance Company Limited, aggrieved by the grant of compensation of Rs.70,000/- as against a claim of Rs.1,50,000/- to the 1st respondent/claimant, by the Chairman, Motor Accident Claims Tribunal-cum-II Additional District Judge, Vijayawada ('the Tribunal', for brevity), vide order, dated 30.01.2004, passed in M.V.O.P.No.851 of 2001.

2. There is no representation for the 1st respondent/claimant. This appeal is of the year 2004. It underwent several adjournments. Hence, this appeal can be disposed of on merits without waiting for the learned counsel for the 1st respondent/claimant to advance arguments. Heard the submissions of the learned Standing Counsel for the Oriental Insurance Company Limited representing the appellant and perused the record.

3. The learned Standing Counsel for the Oriental Insurance Company Limited representing the appellant would submit that the Tribunal, without taking into consideration the nature of injuries and the consequential sufferings, granted compensation of Rs.70,000/-, which is excessive, and ultimately prayed to reduce the amount of compensation.

4. As per the record, the injured 1st respondent/claimant filed a claim petition before the Tribunal claiming a compensation of Rs.1,50,000/- on account of the injuries suffered by her in a road

accident that occurred on 02.07.1995 due to the rash and negligent driving of the driver of the Jeep bearing registration No.AP-20-T-2587. There is also evidence to show that the 1st respondent-claimant sustained comminuted depressed fracture front parietal bone with intra-cerebral contusion and hematoma. The Tribunal, after analysing the entire evidence on record, awarded a sum of Rs.40,000/- towards pain and suffering, Rs.27,000/- towards medical expenses and Rs.3,000/- towards extra nourishment to the 1st respondent/claimant. In all, the Tribunal granted a compensation of Rs.70,000/- to the 1st respondent-claimant. Granting of the said amount as compensation is based on oral evidence of P.W.1 as well as documentary evidence in Exs.A.1 to A.5. The offending vehicle was insured with the appellant-Oriental Insurance Company Limited under the original of Ex.B.1-Policy along with cover note, as on the date of accident. The findings of the Tribunal are based on record. The Tribunal had taken all the factors into consideration and granted just and reasonable compensation. There are no circumstances to interfere with the same. 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