

**THE HON'BLE DR.JUSTICE SHAMEEM AKTHER**

**M.A.C.M.A.No.2507 OF 2005**

**JUDGMENT:**

This appeal, under Section 173 of the Motor Vehicles Act, 1988, is filed by the appellant/claimant aggrieved by the grant of compensation of Rs.1,94,250/- with proportionate costs and interest at 9% per annum from the date of petition till the date of deposit, as against a claim of Rs.4,00,000/- by the learned Chairman, Motor Accident Claims Tribunal – cum – IV Additional District Judge, Kurnool (for short, “the Tribunal”) *vide* order, dated 17.03.2005, passed in M.V.O.P.No.795 of 2003.

2. Heard the submissions of the learned counsel appearing for the appellant/claimant. Though this matter is posted today under the caption “For Orders”, there is no representation on behalf of respondent No.2/United India Insurance Company Limited. The appeal pertains to the year 2005. So, it can be disposed of basing on the material available on record.

3. Learned counsel for the appellant/claimant would contend that though the claimant suffered grievous injuries, the Tribunal granted only Rs.1,94,250/- as against a claim of Rs.4,00,000/-, which is meagre; that Exs.A-8 and A-9 – medical bills showing the medical expenses as Rs.90,533/- were not considered and ultimately, prayed to enhance the compensation and allow the appeal as prayed for.

4. As per the oral and documentary evidence on record, the claimant suffered L1 wedge compression fracture. It is a grievous injury. P.W.2 – Doctor also deposed about the suffering of the

injury by the claimant and the treatment taken by him. The medical bills filed by the claimant were of Rs.90,533/- under Exs.A-8 and A-9. The Tribunal examined those exhibits and held that some of the bills were not signed by the Proprietor of the concerned medical stores. Further, P.W.2 did not speak about the issuance of a bill for Rs.40,000/- on a letter head. Having analysed the entire bills on record, the Tribunal granted a compensation of Rs.30,000/- towards treatment and medicines, Rs.11,250/- towards loss of income for 15 months i.e., at the rate of Rs.750/- per month and Rs.1,53,000/- towards loss of future income i.e., by taking the income of the claimant as Rs.750/- per month and applying the multiplier "17", in all, the Tribunal granted a compensation of Rs.1,94,250/- against a claim of Rs.4,00,000/-. As contended, there is no justification in varying the award of compensation towards medical expenses. Further, the Tribunal had rightly granted the compensation towards loss of income. The grant of compensation of Rs.1,94,250/- is justifiable. There are no circumstances to interfere with the impugned judgment. Hence, the appeal is devoid of merit and is liable to be dismissed.

5. Accordingly, the appeal is dismissed. There shall be no order as to costs.

6. Miscellaneous petitions pending, if any, in this appeal shall stand closed.

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**DR.JUSTICE SHAMEEM AKTHER**

Date : 08.08.2018  
AMD

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