

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2876 OF 2005

JUDGMENT:

This appeal is filed by the appellant-Insurance Company under Section 173 of the M.V. Act, aggrieved by the award, dated 08.06.2005, in M.A.T.O.P.No.371 of 2001, passed by the Motor Accident Claims Tribunal-cum-II Addl. District Judge (FTC), Khammam, wherein compensation of Rs.60,500/- was granted by the Tribunal to the respondent-claimant.

2. Heard the learned standing counsel for the appellant-Insurance Company. There is no representation for the respondent-claimant.

3. Learned standing counsel for the appellant-Insurance Company would submit that the claimant suffered simple injuries. The Tribunal granted excess compensation on all heads and ultimately, prayed to reduce the same.

4. As per the evidence placed on record, the claimant suffered the following injuries:

1. Laceration over the right shoulder 2" x 2" cm simple in nature.
2. Abrasion over the right fore arm ½" x ½" cm simple in nature.
3. Major lacerated injuries to the right upper arm 3" x 3" cm simple in nature.
4. Lacerated injury to the right wrist 3" x 3" cm simple in nature.
5. Lacerated injury on left leg 1" x 1" simple in nature.

The claimant also incurred medical expenditure. Taking all the factors into consideration and nature of injuries, the Tribunal granted compensation of Rs.60,500/- with interest at 9% p.a. from the date of petition till the date of deposit. The injuries are on vital organs of the claimant. The size and depth of the injury Nos. 1 and 3 is more. The Tribunal had rightly granted compensation. As there was violation of insurance policy conditions, the appellant-Insurance Company was directed to pay the compensation amount and recover the same from the owner of the vehicle. There is nothing to take a different view. The appeal is devoid of merit and is liable to be dismissed.

5. Accordingly, the Appeal is dismissed confirming the award, dated 08.06.2005, in M.A.T.O.P.No.371 of 2001, passed by the Motor Accident Claims Tribunal-cum-II Addl. District Judge (FTC), Khammam. No order as to costs. Miscellaneous petitions, if any pending in this appeal shall stand closed.

DR.SHAMEEM AKTHER, J

DATED: 19-06-2018

Hsd