

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER
CIVIL MISCELLANEOUS APPEAL No.3795 OF 2004

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.47,000/- as against a claim of Rs.1,00,000/-, by the Chairman, Motor Accident Claims Tribunal – cum - District Judge, Nizamabad (for short, “the Tribunal”) *vide* order, dated 19.03.2004, passed in O.P.No.1077 of 1998.

2. Heard the submissions of the learned counsel appearing for the appellant/claimant and the learned Standing Counsel for the New India Assurance Company appearing for respondent No.2, and perused the record.

3. Learned counsel for the appellant/claimant would contend that the claimant suffered both grievous injuries and simple injuries; that the claimant became permanently disabled and he also sustained fracture of left clavicle; that there is evidence of the Doctor to substantiate the injuries; that the Tribunal granted only Rs.47,000/- as against the claim of Rs.1,00,000/-, which is meagre, and ultimately, prayed to enhance the compensation and allow the appeal as prayed for.

4. On the other hand, learned Standing Counsel appearing for the New India Assurance Company representing respondent No.2 would contend that the medical record and the admission made by P.W.2 - Doctor shows that the petitioner suffered simple injuries; that the Tribunal had taken all the factors into consideration and

granted compensation of Rs.47,000/- as against the claim of Rs.1,00,000/-, which is just and reasonable. There are no circumstances to interfere with the impugned judgment and ultimately, prayed to dismiss the appeal.

5. As per the evidence of P.W.2 and the medical record produced before the Tribunal, the appellant suffered fracture of left clavicle and other simple injuries. The Tribunal, while taking note of the above, granted compensation on different accounts, in total, Rs.47,000/-. The Tribunal did not consider the permanent disability of the appellant, as there was no examination by the Medical Board. There are no justifiable grounds to consider the submissions made on behalf of the appellant. The assessment and calculation of compensation by the Tribunal is based on evidence on record. Therefore, it cannot be held that the compensation awarded by the Tribunal is meagre. There is no need to interfere with the impugned judgment of the Tribunal. Hence, the appeal is devoid of merit and is liable to be dismissed.

6. Accordingly, this Civil Miscellaneous Appeal is dismissed. There shall be no order as to costs.

7. Miscellaneous petitions pending, if any, in this Civil Miscellaneous Appeal shall stand closed.

DR.JUSTICE SHAMEEM AKTHER

Date : 29.06.2018
AMD

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