

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2762 of 2005

JUDGMENT:

Aggrieved by the grant of compensation of Rs.18,000/- as against a claim of Rs.1,00,000/- by the Chairman, Motor Accident Claims Tribunal-cum-III Additional District Judge (FTC), Adilabad at Asifabad ('the Tribunal', for brevity), vide order, dated 19.07.2005, passed in O.P.No.853 of 2002, the claimant preferred this appeal under Section 173 of the Motor Vehicles Act, 1988 ('the Act', for brevity) seeking enhancement of compensation.

2. Heard the learned counsel for both sides and perused the record.

3. The learned counsel for the appellant-claimant would contend that the appellant-claimant suffered two grievous and two simple injuries in the subject accident. The Tribunal granted a meagre compensation of Rs.18,000/- as against a claim of Rs.1,00,000/- and ultimately prayed enhance the compensation as claimed.

4. On the other hand, the learned Standing Counsel for the 2nd respondent-Insurance Company would contend that the appellant-claimant did not adduce sufficient documentary evidence to substantiate his claim. There are no circumstances to vary the impugned order and ultimately prayed to dismiss the appeal by confirming the Order under Challenge.

5. It is not in dispute that the appellant-claimant suffered injuries in a motor accident occurred on 14.03.2002, due to rash and negligent driving of the driver of the jeep bearing registration

No.AP-01-B-7881. The only point that arises for consideration in this appeal is whether the appellant-claimant is entitled for enhancement of compensation as claimed.

6. Ex.A.2 is the Xerox copy of the Medical Certificate. There is no specific mention in the said certificate that the appellant-claimant suffered two grievous and two simple injuries in the subject accident. If at all the appellant-claimant had sustained two grievous and two simple injuries in the subject accident as contended, he would have got examined the doctor and would have filed certified copy of the Wound Certificate and other medical records to substantiate the same. In the absence of the same, it is difficult to hold that the appellant-claimant suffered two grievous and two simple injuries in the subject accident. Considering the totality of the circumstances, the Tribunal rightly awarded a compensation of Rs.18,000/- with interest @ 7.5% per annum from the date of petition till the date of deposit. There are no circumstances to vary the impugned order. The appeal is devoid of merit and is liable to be dismissed.

7. In the result, the appeal is dismissed. No costs.

Miscellaneous Petitions pending, if any, shall stand closed.

09th August, 2018
Bvv

Dr. SHAMEEM AKTHER, J