

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2075 of 2005

JUDGMENT:

Aggrieved by the grant of compensation of Rs.1,18,100/- as against a claim of Rs.3,00,000/- by the XVI Additional Chief Judge, Hyderabad, vide order, dated 25.01.2005, passed in O.P.No.2066 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 the 2nd respondent-Insurance Company and perused the record. Despite listing this matter under the caption "For Orders", there is no representation for the appellant-claimant. This appeal is of the year 2005. Hence, this appeal can be disposed of on merits basing on the material available on record, without waiting for the learned counsel for the appellant-claimant to advance arguments.

3. In the grounds of appeal, the appellant-claimant contended that the Court below had not taken the injuries suffered by him into consideration and granted meagre compensation. The Court below ought to have considered Ex.A.5 and A.8 in awarding medical expenses and ultimately prayed to enhance the compensation as claimed.

4. The learned Standing Counsel for the 2nd respondent-Insurance Company would contend that the Court below had taken all the relevant factors into consideration and granted just and reasonable amount towards compensation on different heads with interest @ 9%

per annum from the date of petition till realisation. There are no circumstances to vary the same and ultimately prayed to dismiss the appeal by confirming the Order under challenge.

5. As seen from Ex.A.3-Certified copy of M.L.C., the appellant-claimant suffered fracture shaft of right femur, left tibia and comminuted fracture of right tibia with displaced fragment of bone, fracture right fibula and one abrasion of right knee, in the subject accident. The Court below, after analysing the entire evidence on record, granted an amount of Rs.49,011/- towards medical expenses, Rs.5,000/- towards extra nourishment and conveyance, Rs.40,000/- towards pain and suffering and Rs.24,000/- towards loss of earnings during the period of treatment and also future and loss of academic year because of the injuries suffered by him in the subject accident. In all, the Court below granted an amount of Rs.1,18,011/- rounded off to Rs.1,18,100/- as compensation with interest @ 9% per annum from the date of petition till realisation.

6. The Court below had gone through the evidence and took into consideration the consequences arisen from the injuries and granted the aforementioned compensation. There is no infirmity in the same and there is nothing to take a different view. 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.

20th July, 2018
Bvv

Dr. SHAMEEM AKTHER, J