

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2593 OF 2005

JUDGMENT:

This appeal is filed by the appellant-claimant under Section 173 of the M.V. Act, aggrieved by the order, dated 21.04.2004, in O.P.No.379 of 2002, passed by the Motor Accident Claims Tribunal-cum-IV Addl. Chief Judge, City Civil Court, Hyderabad, for enhancement of compensation.

2. Though the matter was posted under the caption 'for orders', on two occasions i.e., on 07.06.2018 and 13.06.2018, there was no representation for both sides. Since the appeal is of the year 2005, it can be disposed of on merits.

3. The appellant in the grounds of appeal contended that the Tribunal awarded an amount of Rs.1,12,000/- only as against the claim of Rs.4,00,000/- without taking into consideration the permanent disability suffered by him i.e., 45%. There is evidence of P.W.2-doctor to that effect. The Tribunal had taken income of the appellant on lower side and assessed compensation and ultimately, prayed to enhance the compensation.

4. The point for determination is whether the appellant is entitled for enhancement of compensation?

5. The appellant claimed compensation of Rs.4,00,000/- for the injuries suffered by him in a motor accident, that occurred on 12.02.2002 due to rash and negligent driving of the lorry bearing No. ADM 6939, by its driver. As per the record, the appellant suffered laceration about 12 x 1 CM in the right inguinal region and swelling of the left thigh. As per Ex.A5-original discharge card, the appellant was admitted in Osmania General Hospital on

13.02.2002 and was discharged on 15.06.2002, which shows the treatment taken by him. There is also record to show that there was injury as Type B Pelvid injury with closed communitted fracture of shaft femur (left) middle 1/3rd with deep lacerated injury over right thigh fracture of transverse processes of L4 and L5 vertebrae. There is also Ex.A8-X ray films 6 in number showing the above injuries. There is also evidence of P.W.2-doctor, who is a Professor of Orthopedics in Osmania General Hospital, Hyderabad. He also deposed about the fractures and treatment taken by the appellant. Taking the above mentioned injuries and treatment taken by the appellant, the Tribunal granted compensation as mentioned hereunder:



For disability	Rs.72,000/-
Pain and suffering	Rs.10,000/-
Loss of amenities	Rs.10,000/-
Medicines, hospital expenses	
Extra nourishment and	Rs.20,000/-
Transportation	
Total	Rs.1,12,000/-

The Tribunal granted the compensation on all heads, which is just and reasonable. There are no circumstances to vary the same. Therefore, the appeal is devoid of merit and is liable to be dismissed.

6. Accordingly, the Appeal is dismissed confirming the order dated 21.04.2004, in O.P.No.379 of 2002, passed by the Motor Accident Claims Tribunal-cum-IV Addl. Chief Judge, City Civil Court, Hyderabad. No order as to costs. Miscellaneous petitions, if any pending in this appeal shall stand closed.

DR.SHAMEEM AKTHER, J

DATED: 27-06-2018

Hsd