

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2362 of 2005

JUDGMENT:

This appeal is filed under Section 173 of the Motor Vehicles Act, 1988 (for short 'the Act'), by the appellant-claimant aggrieved by the order dated 15.02.2005 in O.P.No.431 of 2000 on the file of the Motor Accident Claims Tribunal-cum-I Additional District Judge, Ranga Reddy District (for short 'the Tribunal').

2. Though the matter is posted 'for orders', there is no representation for both sides. This appeal is of the year 2005. It underwent several adjournments. Hence, this appeal can be disposed of on merits basing on the material available on record.

3. As seen from the grounds of appeal, this appeal is filed contending that the Tribunal granted meagre compensation. The appellant suffered grievous injuries and prayed to enhance the compensation.

4. There is no dispute with regard to the appellant suffering injuries in a road accident caused by lorry bearing No.ABT-6669 driven by its driver in a rash and negligent manner on 07.04.2000. The only dispute is with regard to quantum of compensation.

5. The Tribunal granted compensation of Rs.5,000/-. The Tribunal while dealing with the subject matter of the claim petition held that the claimant suffered swelling on the clavicle and abrasion to right wrist, which is evident from Ex.A3-wound certificate of the claimant. Except Ex.A3, there is no other

document to show the fracture as contended by the appellant-claimant. There is only the oral evidence of P.W.1 that he suffered grievous injuries. Admittedly, there is no record to show that the claimant suffered grievous injuries. Hence, there is justification in granting compensation of Rs.5,000/- with interest @ 9% per annum to the appellant. There is no infirmity in the order under challenge.

6. In the result, the appeal is dismissed.

Miscellaneous Petitions pending, if any, shall stand closed.

No costs.

Date: 27.07.2018
ssp

Dr. SHAMEEM AKTHER, J

