

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3121 OF 2005

JUDGMENT:

This appeal is filed by the appellant-claimant under Section 173 of the M.V. Act, aggrieved by the judgment, dated 19.11.2004, in M.V.O.P.No.65 of 2001, passed by the Special Judge for the trial of offences under the SCs & STs (PoA) Act-cum-VI Addl. Metropolitan Sessions Judge-cum-XX Addl. Chief Judge, Secunderabad, for enhancement of compensation.

2. No representation for both sides. This matter underwent several adjournments. On earlier occasions, there was no representation for both sides. Despite, listing the matter today under the caption 'for dismissal', there is no representation for both sides. Since this appeal is of the year 2005, it can be disposed of on merits.

3. The appellant contended that the compensation awarded by the Tribunal is totally disproportionate to the claim made by the appellant. The Tribunal failed to take the principles governing the calculation and awarded compensation. The Tribunal failed to see the permanent disability suffered by the appellant and failed to grant adequate compensation for the fractures and other injuries. Though, the appellant claimed compensation of Rs.5,00,000/-, the Tribunal granted only Rs.1,97,750/- and ultimately, prayed to enhance the compensation.

4. The Tribunal, vide impugned judgment, dated 19.11.2004, was pleased to award compensation of Rs.1,97,750/- with interest at 6% p.a. from the date of petition till the date of realization. While dealing with the

subject matter of the impugned O.P., the Tribunal had elaborately discussed the evidence of all witnesses and material documents placed and ultimately granted the above mentioned compensation. The Tribunal had specified different heads under which, the appellant is entitled for compensation, properly calculated and awarded compensation. Therefore, there is nothing to take a different view. The appeal is devoid of merit and is liable to be dismissed.

5. Accordingly, the Appeal is dismissed. No order as to costs. Miscellaneous petitions, if any pending in this appeal shall stand closed.

DATED: 14-06-2018

Hsd

DR.SHAMEEM AKTHER, J

