

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3617 OF 2005

JUDGMENT:

This appeal, under Section 173 of the Motor Vehicles Act, 1988, is filed by the appellant/claimant aggrieved by the grant of compensation of Rs.18,000/- with proportionate costs and interest at 9% per annum from the date of petition till the date of deposit, as against a claim of Rs.2,50,000/-, by the learned Chairman, Motor Accident Claims Tribunal – cum – IV Additional District Judge (Fast Track Court), Karimnagar (for short, “the Tribunal”) *vide* order, dated 01.07.2005, passed in O.P.No.268 of 2004.

2. Heard the submissions of the learned counsel appearing for the appellant/claimant, learned Standing Counsel appearing for respondent No.3 and perused the material available on record.

3. Learned counsel for the appellant/claimant would contend that though the claimant suffered fracture to his right leg patella chip and other injuries all over his body, the Tribunal granted compensation of Rs.18,000/- only with costs and interest at 9% per annum from the date of petition till the date of deposit, as against a claim of Rs.2,50,000/-, which is on lower side, and ultimately, prayed to enhance the compensation.

4. On the other hand, learned Standing Counsel appearing for respondent No.3 would contend that the Tribunal had rightly taken all the factors into consideration and awarded a compensation of Rs.18,000/-; that there are no circumstances to

enhance the compensation and ultimately, prayed to dismiss the appeal.

5. In view of the submissions made by the learned counsel on either side, the short point that falls for determination is:

“Whether the appellant/claimant is entitled for enhancement of compensation?”

6. **POINT:-** There is no dispute with regard to the claimant suffering injuries in a road accident that occurred on 31.12.2003 due to the rash and negligent driving of the driver of car bearing No.AP-4-C-6660. The only dispute is with regard to enhancement of compensation.

7. It is the specific case of the claimant that he suffered fracture injury to his right hip patella, right knee and other injuries all over his body, but no Doctor was examined to substantiate the same. The X-ray said to have been taken was not filed. The claimant also stated that he was treated in Medbone Hospital, Godavarikhani for 20 days, but there is no corroboration to that effect. However, taking the other evidence on record, the Tribunal was pleased to grant compensation of Rs.18,000/- on different heads. In the absence of the evidence of the Doctor, it is difficult to agree that the claimant was in a hospital as an inpatient for twenty days and suffered injury to his right knee as contended. The Tribunal is justified in granting the compensation of Rs.18,000/- with costs and interest at 9% per annum from the date of petition till the date of deposit. There are no circumstances to interfere with the impugned judgment. The appeal is devoid of merit and is liable to be dismissed.

8. Accordingly, the appeal is dismissed. There shall be no order as to costs.

9. Miscellaneous petitions pending, if any, in this appeal shall stand closed.

DR.JUSTICE SHAMEEM AKTHER

Date : 11.10.2018
AMD



THE HON'BLE DR.JUSTICE SHAMEEM AKTHER



M.A.C.M.A.No.3617 OF 2005

Date: 11.10.2018

AMD