

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3769 of 2005

JUDGMENT:

Aggrieved by the grant of compensation of Rs.12,000/- as against a claim of Rs.75,000/- by the Chairman, Motor Accident Claims Tribunal-cum-I Additional District Judge, Adilabad ('the Tribunal' for brevity), vide order, dated 02.06.2005, passed in O.P.No.689 of 2001, 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 appellant-claimant and perused the record. Despite listing this matter under the caption "For Orders", there is no representation for the respondents 1 and 2. This appeal is of the year 2005. Hence, this appeal can be disposed on merits, basing on the material available on record, without waiting for both the learned counsel for the respondents 1 and 2 to advance arguments.

3. The learned counsel for the appellant-claimant would contend that though the appellant-claimant sustained one grievous injury and one simple injury in the subject accident occurred on 08.05.2001 due to rash and negligent driving of the driver of the auto bearing registration No.ABT-5658, the Tribunal granted a meagre compensation of Rs.12,000/- as against a claim of Rs.75,000/- and ultimately prayed to enhance the compensation as claimed.

4. In view of the above, the point that arises for determination in this appeal is whether the appellant-claimant is entitled for enhancement of compensation.

5. As per the evidence on record, the appellant-claimant sustained injuries subject accident occurred on 08.05.2001, due to rash and negligent driving of the driver of the auto bearing registration No.ABT-5658. There is evidence of P.W.1 to that effect. As per Ex.A.3-attested copy of Injury Certificate issued by the Government Hospital, Nirmal, the appellant-claimant sustained two injuries in the subject accident, viz., posterior dislocation of right hip, which is grievous in nature and laceration on right knee, which is simple in nature. No X-ray films are filed to show the grievous injury sustained by the appellant-claimant. The doctor who treated the appellant-claimant was also not examined. Except Ex.A.3, there is no other medical record to show that that the appellant-claimant sustained injuries in the subject accident. However, the Tribunal, after analysing the entire evidence on record, granted a compensation of Rs.10,000/- for the grievous injury and Rs.2,000/- for the simple injury. In all, the Tribunal granted a compensation of Rs.12,000/- with interest @ 9% per annum from the date of petition till realisation in favour of the appellant-claimant. The Tribunal is justified in doing so. There is no infirmity in the order under challenge. There are no circumstances to enhance the compensation. The appeal is devoid of merit and is liable to be dismissed.

6. In the result, the appeal is dismissed. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

Dr. SHAMEEM AKTHER, J

26th September, 2018
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