

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2595 OF 2005

JUDGMENT:

This appeal is filed by the appellant-claimant under Section 173 of the M.V. Act, aggrieved by the judgment, dated 12.03.2004, in O.P.No.468 of 2001, passed by the Motor Accident Claims Tribunal-cum-District Judge, Adilabad, for enhancement of compensation.

2. No representation for both sides. This appeal underwent several adjournments. In spite of the same, there is no progress. Since this appeal is of the year 2005, it can be disposed of on merits.

3. This appeal is filed by the appellant-claimant contending that the Tribunal had granted meagre compensation of Rs.11,000/- against the claim of Rs.2,50,000/-, which is meagre and against the record. There is oral and documentary evidence to substantiate the injuries received by the appellant. The Tribunal failed to take the same into consideration. The appellant suffered 50% disability. No compensation was awarded for the same and ultimately, prayed to enhance the compensation as claimed.

4. Vide impugned order, dated 12.03.2004, the Tribunal had granted compensation of Rs.11,000/- with interest at 9% p.a. from the date of petition till the date of realization against the respondents 1 to 3. As per the oral and documentary evidence placed on record, particularly Ex.A4-injury certificate, it is clear that the appellant suffered laceration of right foot to the extent of 4" x 2" and the Civil Assistant Surgeon in Area Hospital, Mancherial,

stated that the injuries mentioned in Ex.A4 are simple in nature. There is record to show that the appellant was in hospital for 11 days. There is also evidence of P.W.2-doctor with regard to said injury and the appellant taking treatment with him. The Tribunal had examined the injuries in detail referred by the Doctor as mentioned in Ex.A4. Admittedly, no disability certificate was produced. The Tribunal had granted Rs.5,000/- for the soft tissue injury and Rs.1,000/- for the second simple injury. It also rightly granted Rs.5,000/- towards hospital expenditure. In all, the Tribunal had granted compensation of Rs.11,000/-, which is just and reasonable. There is nothing to take a different view. Therefore, the appeal is devoid of merit and is liable to be dismissed.

5. Accordingly, the Appeal is dismissed confirming the judgment, dated 12.03.2004, in O.P.No.468 of 2001, passed by the Motor Accident Claims Tribunal-cum-District Judge, Adilabad. No order as to costs. Miscellaneous petitions, if any pending in this appeal shall stand closed.

DATED: 08-06-2018
Hsd

DR.SHAMEEM AKTHER, J