

**THE HON'BLE DR.JUSTICE SHAMEEM AKTHER**

**M.A.C.M.A.No.2534 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.48,350/- with interest at 9% per annum from the date of petition till the date of realisation and proportionate costs as against a claim of Rs.1,00,000/-, by the learned III Additional District & Sessions Judge, Ranga Reddy District *vide* order, dated 22.09.2004, passed in O.P.No.887 of 2002.

2. Heard the submissions of the learned counsel appearing for the appellant/claimant and the learned Standing Counsel for the United India Insurance Company Limited appearing for respondent No.2, and perused the record.

3. Learned counsel for the appellant/claimant would contend that the claimant suffered fracture to his left leg apart from multiple injuries all over his body, but the Court below granted only Rs.48,350/- as against a claim of Rs.1,00,000/-, which is meagre; that the Court below has also granted lesser amounts on other heads, and ultimately, prayed to enhance the compensation and allow the appeal as prayed for.

4. On the other hand, learned Standing Counsel appearing for the United India Insurance Company Limited representing respondent No.2 would contend that the Court below had taken all the factors into consideration and granted compensation of Rs.48,350/- as against a claim of Rs.1,00,000/-, which is just and

reasonable; that there are no circumstances to interfere with the impugned order and ultimately, prayed to dismiss the appeal.

5. In view of the submissions made by both the counsel, the short point that falls for determination is:

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

6. **POINT:-** The appellant/claimant sustaining injuries in a motor vehicle accident that occurred due to the rash and negligent driving of the driver of Hero Honda Splendor bearing registration No.AP - 28 - F - 2238, is not in dispute. The only dispute is with regard to quantum of compensation. As per Ex.A-3 - Injury Certificate and Ex.A-4 - Discharge Summary, the appellant/claimant suffered fracture lateral cordial tibia of left leg and 1” laceration wound on the left leg. He had undergone surgery on 03.09.2002. There is also evidence of P.W.2 - Dr. P. Raju to that effect. There is also record to show about that the claimant was admitted and discharged in the hospital where P.W.2 was working. The Court below, having considered the injuries and the treatment taken by the claimant, awarded compensation of Rs.9,000/- towards loss of earnings i.e., at the rate of Rs.3,000/- per month for three months, Rs.24,350/- towards medical expenses and Rs.15,000/- for pain and suffering for the fracture sustained to his right shoulder. The Court below had dealt with all the heads while awarding compensation. The earning capability in those days is required to be taken into consideration. The Court below had dealt with the assessment and compensation assigning reasons and awarded the above compensation. The Court below

did not leave any head. There is justification in granting the said compensation. Therefore, it cannot be held that the compensation awarded by the Court below is meagre. There is no need to interfere with the impugned judgment of the Court below. Hence, the appeal is devoid of merit and is liable to be dismissed.

7. Accordingly, this appeal is dismissed. There shall be no order as to costs.

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

Date : 03.08.2018  
AMD

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