

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3590 OF 2005

JUDGMENT:

This appeal is filed under Section 173 of the Motor Vehicles Act, 1988 (for short, 'the Act'), by the appellant-claimant aggrieved by the order dated 23.03.2004 in O.P.No.581 of 1990 on the file of the Motor Accident Claims Tribunal-cum-II Additional District Judge, West Godavari District, Eluru (for short 'the Tribunal').

2. Heard the learned counsel for appellant-claimant and the learned Standing Counsel for respondent-Insurance Company and perused the record.

3. The learned counsel for appellant-claimant would contend that the appellant suffered grievous and simple injuries. The Tribunal had granted Rs.35,000/- towards compensation, which is meagre and ultimately, prayed to enhance the same.

4. On the other hand, learned counsel for the respondent-Insurance Company would contend that the Tribunal had taken all the facts and circumstances into consideration and granted just and reasonable compensation on all heads. There are no circumstances to enhance the compensation and ultimately, prayed to dismiss the appeal.

5. In view of the submissions made by both sides, the point that arises for determination is, whether the appellant-claimant is entitled for enhancement of compensation?

6. There is no dispute with regard to the appellant-claimant suffering injuries in a road accident that occurred on 01.03.1990 due to the rash and negligent driving of the driver of lorry bearing

registration No.AP37T 5259. The dispute is only with regard to the quantum of compensation.

7. The Tribunal having analysed the entire medical evidence on record, considered the consequences of those injuries and rightly granted compensation of Rs.35,000/- with interest @ 12% per annum. There are justifiable grounds in granting the same. There are no circumstances to vary with the impugned order.

8. In the result, the appeal is dismissed.

The Miscellaneous Petitions, if any, pending shall stand closed.

No costs.

Date: 19.09.2018
ssp

Dr. SHAMEEM AKTHER, J

