

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3351 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.25,000/- as against a claim of Rs.75,000/-, by the learned Chairman, Motor Accident Claims Tribunal – cum – III Additional District Judge, (Fast Track Court), Adilabad at Asifabad (for short, “the Tribunal”) *vide* order, dated 04.06.2005, passed in O.P.No.439 of 2003.

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

3. Learned counsel for the appellant/claimant would contend that though the claimant suffered grievous injuries, the Tribunal granted only Rs.25,000/- as against the claim of Rs.75,000/-, which is meagre; that the Tribunal erroneously dismissed the claim against respondent No.2/Oriental Insurance Company Limited 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 Oriental Insurance Company Limited representing respondent No.2 would contend that the Tribunal had taken all the factors into consideration and granted compensation of Rs.25,000/- as against the claim of Rs.75,000/-, which is just and reasonable; that the

Tribunal rightly dismissed the claim against respondent No.2/Oriental Insurance Company Limited; that there are no circumstances to interfere with the impugned judgment and ultimately, prayed to dismiss the appeal.

5. The Tribunal, while dealing with the subject matter of the appeal, was pleased to grant a compensation of Rs.25,000/- as against a claim of Rs.75,000/-. As per the records, the claimant suffered four simple injuries. The Tribunal granted Rs.14,000/- towards loss of earnings, Rs.6,000/- towards medical expenses, Rs.4,000/- towards transportation and Rs.1,000/- towards pain and suffering. The Tribunal had considered all the aspects and granted just compensation under different heads with interest at the rate of 9% per annum from the date of petition till the date of realisation. There is no evidence to prove that the ambulance bearing No.AP-13/V-5855/offending vehicle is having valid insurance with respondent No.2/Oriental Insurance Company Limited and that the same was in force on the date of the subject accident. Hence, the Tribunal rightly dismissed the claim against respondent No.2 herein. There is no infirmity in the impugned order. There are no circumstances to interfere with the same. The appeal is devoid of merit and is liable to be dismissed.

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

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

DR.JUSTICE SHAMEEM AKTHER

Date : 24.07.2018
AMD

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