

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A. No.1421 OF 2006

JUDGMENT:

This appeal is filed under Section 173 of the Motor Vehicles Act, 1988 (for short, 'the Act') aggrieved by the order dated 02.02.2006 passed in O.P. No.1491 of 2002 on the file of the Chairman, Motor Accident Claims Tribunal-cum-XII Additional Chief Judge (Fast Track Court), City Civil Court, Hyderabad (for short, 'the Tribunal'), whereby the Tribunal granted Rs.1,15,000/- with interest at 7.5% per annum towards compensation to the 1st respondent herein for the injuries sustained by him in a road accident occurred on 27.04.2001. The appellants-insurer are respondent Nos.2 and 3, the 1st respondent herein is the petitioner and 2nd respondent herein-owner of the offending vehicle is the 1st respondent in the original petition before the Tribunal.

2. Heard the learned Standing Counsel for the appellants-insurer and perused the record. Though served with notice, none appeared for the 1st respondent herein-petitioner. The appeal against the 2nd respondent herein-owner of the offending vehicle is dismissed for default vide order dated 07.04.2017.

3. As seen from the record, in the appendix of evidence column of the impugned order, there is no mention of P.W.2-doctor and Ex.A.8-disability certificate. The material on record reveals that P.W.2-doctor was examined on Advocate-commission. Through his evidence, Ex.A.8-disability certificate was marked. So, basing on the evidence of P.W.2-doctor and Ex.A.8-disability certificate, the Tribunal had assessed 40% disability to the 1st respondent herein-claimant, calculated the compensation towards disability as Rs.1,58,400/- and granted Rs.1,00,000/- since the claim was made for Rs.1,00,000/- towards disability suffered by the claimant. The Tribunal also granted Rs.15,000/-

towards medical expenses. In all, the Tribunal granted Rs.1,15,000/- as compensation.

4. As per the medical and oral evidence, the claimant sustained fracture of left leg. Further, as per the evidence on record, the claimant was aged 55 years. The Tribunal by applying multiplier '11', assessed the compensation towards 40% disability suffered by the claimant at Rs.1,58,400/- and restricted it to Rs.1,00,000/-. The Tribunal rightly granted an amount of Rs.15,000/- towards medical expenses. These findings are based on record. There are no circumstances to vary or reduce the compensation awarded by the Tribunal. Therefore, this appeal is devoid of merit and is liable to be dismissed.

5. In the result, this appeal is dismissed confirming the order dated 02.02.2006 passed by the Tribunal in O.P. No.1491 of 2002.

6. Miscellaneous Petitions pending, if any, shall stand closed. There shall be no order as to costs.

Date: 14.06.2018
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Dr. SHAMEEM AKTHER, J

