

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3154 OF 2005

JUDGMENT:

This appeal is filed by the appellant-claimant under Section 173 of the M.V. Act, aggrieved by the order, dated 30.03.2005, in O.P.No.122 of 2001, passed by the Motor Accident Claims Tribunal-cum-VII Addl. Chief Judge, City Civil Court, Hyderabad, for enhancement of compensation.

2. On earlier occasion i.e., on 07.06.2018, there was no representation on behalf of the appellant. Despite posting the matter under the caption 'for dismissal' today, there is no representation on behalf of the appellant. Counsel for the 1st respondent-Telecom Department is present and ready. Since this appeal is of the year 2005, it can be disposed of on merits.

3. Learned standing counsel for the 1st respondent-Telecom Department would contend that the Tribunal had taken all the factors into consideration and awarded compensation of Rs.37,500/-, which is just and reasonable. The Tribunal had awarded compensation on different heads and nothing is left over. There is nothing to take a different view and ultimately, prayed to dismiss the appeal.

4. The appellant-claimant filed the appeal contending that the Tribunal had not granted compensation on all heads and it granted meagre compensation of Rs.37,500/- as against the claim of Rs.2,00,000/- and ultimately, prayed to enhance the compensation.

5. As per the evidence on record, the appellant suffered injuries on 06.06.2000, due to rash and negligent driving of the Metador Tempo bearing No. AP T 9U 7586 by its driver. Ex.A3 is the wound certificate of the appellant, which shows that the appellant suffered laceration wound of upper lip, abrasion of lower lip, crush injury of upper arm of left side, abrasion of lateral aspects, lacerated wounds to the head, abrasion of dorsum of hand, a crush injury on the left index finger, lacerated wound on left leg below knee joint and abrasion on left chest. Taking all the injuries into consideration, the Tribunal granted an amount of Rs.37,500/- towards compensation. Though huge claim was made under medical bills for medical expenditure, to the extent of medical bills available, compensation was granted. The Tribunal rightly granted compensation on different heads and nothing is left over. Grant of compensation of Rs.37,500/- with interest at 9% p.a. is quite justifiable. There are no circumstances to interfere with. Therefore, the appeal is devoid of merit and is liable to be dismissed.

6. Accordingly, the Appeal is dismissed confirming the order, dated 30.03.2005, in O.P.No.122 of 2001, passed by the Motor Accident Claims Tribunal-cum-VII Addl. Chief Judge, City Civil Court, Hyderabad. No order as to costs. Miscellaneous petitions, if any pending in this appeal shall stand closed.

DR.SHAMEEM AKTHER, J

DATED: 21-06-2018
Hsd