

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3582 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 01.08.2005 in O.P.No.361 of 2001 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. The appeal against respondent No.1 was dismissed for default on 06.01.2012.

3. The learned counsel for appellant-claimant would contend that the appellant suffered grievous injuries. The Tribunal had granted Rs.2,000/- 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 having examined the entire record, granted Rs.2,000/- for simple injury suffered by the appellant, which is just and reasonable. 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 09.12.2000 due

to the rash and negligent driving of the driver of van bearing registration No.AP37V 5415. The dispute is only with regard to the quantum of compensation.

7. The evidence placed on record, particularly, Ex.A3-copy of wound certificate of the appellant, shows that he suffered only one simple injury. Having considered the same, the Tribunal had granted Rs.2,000/- towards compensation. There is nothing to hold that there were grievous injuries. In view of the same, the Tribunal justified in granting the said compensation. 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

