

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3773 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.58,100/- with proportionate costs and interest at the rate of 9% per annum from the date of petition till the date of realisation, as against a claim of Rs.1,00,000/-, by the learned Chairman, Motor Accident Claims Tribunal – cum – II Additional District Judge, Karimnagar at Jagtial (for short, “the Tribunal”) *vide* order, dated 05.11.2004, passed in O.P.No.118 of 2004.

2. Though this matter is posted today under the caption “For Orders”, there is no representation for both sides. The appeal pertains to the year 2005. So, it can be disposed of basing on the material available on record.

3. This appeal is filed by the appellant/claimant contending that the Tribunal granted a compensation of Rs.58,100/- with proportionate costs and interest at the rate of 9% per annum as against a claim of Rs.1,00,000/-, which is meagre, and ultimately, prayed to enhance the compensation and allow the appeal as prayed for.

4. As seen from the grounds of appeal, the short point that falls for determination is:

“Whether the appellant/claimant is entitled for enhancement of compensation?”

5. **POINT:-** There is no dispute with regard to the claimant suffering injuries in a road accident that occurred on 02.06.2003 due to the rash and negligent driving of the driver of car bearing No.AP 9 AH 8787. The only dispute is with regard to enhancement of compensation.

6. The claimant was a school going boy aged 7 years at the time of the accident. While dealing with the subject matter of the claim petition, the Tribunal had recorded the injuries suffered by the claimant. Relying on the oral and documentary evidence on record, the Tribunal was pleased to award a compensation of Rs.58,100/- with proportionate costs and interest at 9% per annum from the date of petition till the date of realisation. The Tribunal had considered the entire oral and documentary evidence on record and rightly awarded compensation on different heads. Compensation under no head is left over by the Tribunal. The cost of living in those days is also taken into consideration by the Tribunal while determining the compensation. There are no circumstances to vary with the impugned order. The appeal is devoid of merit and is liable to be dismissed.

7. Accordingly, the appeal is dismissed. There shall be no order as to costs.

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

DR.JUSTICE SHAMEEM AKTHER

Date : 27.09.2018
AMD



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