

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3376 of 2008

JUDGMENT:

This appeal, under Section 173 of the Motor Vehicles Act, 1988 ('the Act', for brevity) is filed by the appellants-the National Insurance Company Limited, Faridabad, Haryana State, challenging the order, dated 19.01.2006, passed in M.V.O.P.No.453 of 2004, by the Chairman, Motor Accident Claims Tribunal-cum-II Additional District Judge, Vijayawada ('the Tribunal', for brevity).

2. Heard both sides. Perused the record.

3. The learned Standing Counsel for the appellant-Insurance Company would contend that the Tribunal granted excessive compensation for the simple injuries and also on other heads. No doctor was examined to establish the genuineness of the injuries suffered by the appellant-claimant in the subject accident. The medical bills under Ex.A.10 are not supported by any prescription of a doctor and ultimately prayed to reduce the compensation.

4. On the other hand, the learned counsel for the 1st respondent-claimant would contend that the Tribunal took all the relevant factors into consideration and granted just and reasonable amount as compensation. There are no circumstance to interfere with the impugned order and ultimately prayed to dismiss the appeal by confirming the Order under challenge.

5. It is not in dispute that the 1st respondent-claimant sustained injuries in a motor accident occurred on 02.10.2003, due to rash

and negligent driving of the driver of the lorry bearing registration HR-38-F-2439. The only point that arises for consideration in this appeal is whether the compensation granted by the Tribunal in favour of the 1st respondent-claimant is liable to be reduced.

6. As per the material placed on record, the 1st respondent-claimant sustained fracture of left shoulder-humorous besides two simple injuries near left ear lobe, in the subject accident. There is adequate documentary evidence to show that the 1st respondent-claimant incurred an amount of Rs.10,000/- towards medical expenses for the injuries sustained by him in the subject accident. The Tribunal, after analysing the entire evidence on record, had granted Rs.30,000/- for the injuries and Rs.10,000/- towards medical expenses. In all, the Tribunal granted a compensation of Rs.40,000/- to the 1st respondent-claimant with interest @ 7.5% per annum from the date of petition till realisation. There is justification in granting the said compensation. There are no circumstances to interfere with the impugned order. The appeal is devoid of merit and is liable to be dismissed.

7. In the result, the appeal is dismissed, confirming the order, dated 19.01.2006, passed in M.V.O.P.No.453 of 2004, by the Chairman, Motor Accident Claims Tribunal-cum-II Additional District Judge, Vijayawada.

Miscellaneous Petitions pending, if any, shall stand closed.

Dr. SHAMEEM AKTHER, J

09th August, 2018
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