

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2126 of 2006

JUDGMENT:

Aggrieved by the grant of compensation of Rs.1,27,600/- as against a claim of Rs.2,00,000/- vide order, dated 05.06.2006, passed in O.P.No.843 of 2004 by the Chairman, Motor Accident Claims Tribunal-cum-V Additional District Judge (FTC), Ranga Reddy District at L.B.Nagar, Hyderabad ('the Tribunal', for brevity), the claimant preferred this appeal under Section 173 of the Motor Vehicles Act, 1988 ('the Act', for brevity), seeking enhancement of compensation.

2. Heard both sides. Perused the record.

3. The learned counsel for the appellant-claimant would contend that appellant-claimant suffered grievous injuries in the subject accident occurred on 25.06.2004. There was shortening of his right leg due to the accidental injuries. The appellant-claimant suffered 40% disability in the subject accident. The Tribunal took the annual income of the appellant-claimant as Rs.24,000/-, which is meagre. The Tribunal awarded meagre compensation under different heads and ultimately prayed to enhance the compensation as claimed.

4. On the other hand, the learned Standing Counsel for the 2nd respondent-Insurance Company would contend that Ex.A.3-certified copy of Medico Legal Certificate is inconsistent with the other evidence on record. In Ex.A.3, there was no mention that the appellant-claimant sustained fracture to his right leg in the subject accident. Further, the Tribunal granted excess amount as

compensation and ultimately prayed to dismiss the appeal by confirming the order under challenge.

5. It is not in dispute that the appellant-claimant sustained injuries in the subject accident occurred on 25.06.2004, due to rash and negligent driving of the driver of the auto bearing registration No.AP-28-V-305. The point that arises for determination in this appeal is whether the appellant-claimant is entitled for enhancement of compensation as claimed.

6. As rightly contended by the learned Standing Counsel for the 2nd respondent-Insurance Company, there is inconsistency between Ex.A.3-certified copy of Medico Legal Certificate and the other evidence on record. As per Ex.A.3, the appellant-claimant sustained a fracture on the right side of head besides another lacerated injury. But as per the evidence of P.W.2, the appellant-claimant sustained post-traumatic shortening of right leg and secondary to fracture of trochan and neck of right femur. However, the Tribunal, after analysing the entire evidence on record, granted a compensation of Rs.1,27,600/- with interest @ 7.5% per annum from the date of petition till realisation, which is just and reasonable. The contentions raised on behalf of the appellant-claimant do not merit consideration. The appeal is devoid of merit and is liable to be dismissed.

7. In the result, the appeal is dismissed. No costs.

Pending Miscellaneous Petitions, if any, shall stand closed.

Dr. SHAMEEM AKTHER, J

03rd October, 2018
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