

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2582 of 2005

JUDGMENT:

This appeal is preferred by the appellant-claimant under Section 173 of the Motor Vehicles Act, 1988 ('the Act', for brevity), dissatisfied with the quantum of compensation of Rs.60,000/- as against the claim of Rs.1,00,000/-, awarded by the Chairman, Motor Accident Claims Tribunal-cum-IX Additional District Judge (FTC), Krishna at Machilipatnam ('the Tribunal' for brevity), vide order, dated 18.08.2004, passed in M.V.O.P.No.93 of 2002.

2. Heard the learned counsel for the appellant-claimant, the learned standing counsel appearing for respondent-APSRTC and perused the record. Appeal against respondent No.1-driver of the offending bus was dismissed for default.

3. Learned counsel for the appellant-claimant would submit that the Tribunal granted meagre compensation of Rs.60,000/- as against the claim of Rs.1,00,000/- though the claimant suffered grievous and simple injuries; that he suffered 25% disability; that the appellant placed oral and documentary evidence to justify the claim of Rs.1,00,000/-, and ultimately, prayed to enhance the compensation.

4. The learned standing counsel for the respondent-APSRTC would submit that the Tribunal had taken all the relevant factors into consideration and assessed and awarded just and

reasonable compensation, and there are no grounds to reduce the same, and ultimately, prayed to dismiss the appeal.

5. In view of the above contentions, the point that arises for consideration in this appeal is whether the appellant-claimant is entitled for enhancement of compensation ?

6. The appellant-claimant sustaining injuries in a road accident occurred on 22.11.2001 due to rash and negligent driving of driver of APSRTC bus bearing registration No.AP10Z 3748, is not disputed. The only dispute is with regard to quantum of compensation awarded by the Tribunal.

7. Admittedly, the appellant-claimant has not filed any disability certificate. Further, he was not examined by a competent Medical Board to assess the disability. P.W.2 is a private Doctor. There is record to show that the appellant suffered 3 injuries out of which 2 injuries are fracture injuries, which are grievous in nature, and the other one is simple in nature. The Tribunal awarded Rs.12,000/- towards compensation for pain and suffering and mental agony; Rs.40,000/- towards compensation for the injuries suffered by the claimant; Rs.4,000/- towards extra-nourishment and medical expenses; Rs.2,000/- towards transport expenses and Rs.2,000/- towards loss of earning. The Tribunal dealt with and awarded compensation on all heads. There is justification in assessing and awarding the above mentioned amounts. Therefore, in any case, it cannot be said that the compensation awarded by the Tribunal is excessive. In the

circumstances, grant of compensation of Rs.60,000/- with interest 9% per annum from the date of petition till the date of deposit, is just and reasonable. There are no grounds to interfere with the order of the Tribunal. The appeal is devoid of merit and liable to be dismissed.

8. In the result, the appeal is dismissed. On deposit, the claimant is entitled to withdraw the same. The other terms of the impugned order remain unaltered. There is no order as to costs of the appeal.

Miscellaneous Petitions pending, if any, shall stand closed.

19.6.2018
DRK

Dr. SHAMEEM AKTHER, J



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