

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2711 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.1,40,900/- with proportionate costs and interest at the rate of 7.5% per annum from the date of petition till the date of realisation, as against a claim of Rs.5,00,000/-, by the learned Chairman, Motor Accident Claims Tribunal – cum – III Additional District Judge, Krishna at Vijayawada (for short, “the Tribunal”) *vide* order, dated 21.07.2005, passed in M.V.O.P.No.1016 of 2002.

2. Heard the submissions of the learned counsel appearing for the appellant/claimant. Though this matter is posted today under the caption “For Orders”, there is no representation on behalf of the respondent. The appeal pertains to the year 2005. So, it can be disposed of basing on the material available on record.

3. Learned counsel for the appellant/claimant would contend that as against a claim of Rs.5,00,000/-, the Tribunal granted a compensation of Rs.1,40,900/-, which is meagre; that the claimant suffered grievous injuries to both the legs and there is 30% disability as exhibited under Ex.A-9 – Disability Certificate; that the Tribunal had taken meagre income of the claimant as Rs.1,500/- per month and granted meagre compensation on different heads, and ultimately, prayed to enhance the compensation and allow the appeal as prayed for.

4. In view of the submissions made by the learned counsel for the appellant, 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 18.06.2001 due to the rash and negligent driving of the driver of R.T.C. Bus bearing No.AP 10Z 9092. The only dispute is with regard to enhancement of compensation awarded.

6. Though it is contended by the learned counsel for the claimant that the claimant suffered fractures to his both legs, absolutely, there is no medical record to substantiate the same. Ex.A-4 is the wound certificate of the claimant, which reveals that the claimant received crush injury on right leg and knee and P.W.3 – Dr.Kaleshvali also corroborated the same. P.W.4 – Dr.N.S.Datt also stated that the claimant suffered grievous injuries and he issued Ex.A-9 – Disability Certificate which reveals 30% permanent partial disability. The Tribunal had also granted compensation on different heads i.e., Rs.86,400/- towards permanent partial disability, Rs.15,000/- towards pain and suffering and inconvenience, loss of earnings at least for a period of six months and extra nourishment; Rs.30,000/- towards treatment in Rameeja Orthopaedic Centre for a period of 55 days; Rs.5,000/- towards medical bills and Rs.4,500/- towards purchase of medicines. In all, the Tribunal granted a total compensation of Rs.1,40,900/- with proportionate costs and interest at the rate of 7.5% per annum from the date of petition till the date of realisation.

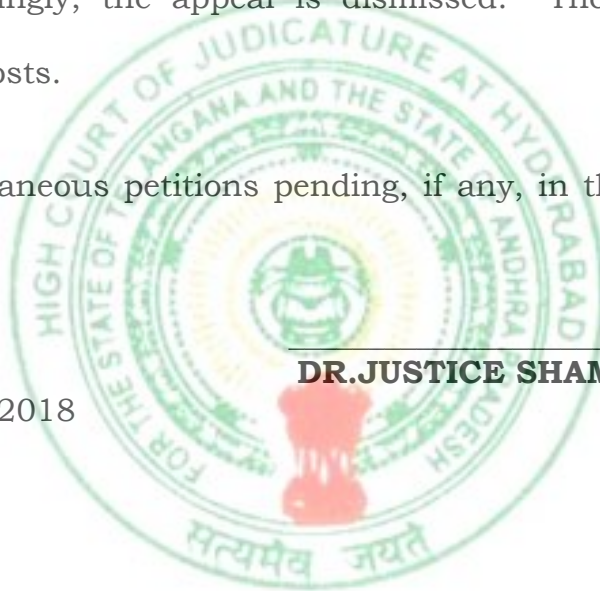
Considering the disability suffered by the claimant and basing on the evidence of P.W.4, who is a member of the Medical Board, the Tribunal took the disability of the claimant as 30% and rightly awarded compensation on all heads as mentioned above. Grant of compensation of Rs.1,40,900/- with proportionate costs and interest at the rate of 7.5% per annum from the date of petition till the date of realisation for crush injury on right leg and knee is justified. 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.

Date : 18.09.2018
AMD

DR.JUSTICE SHAMEEM AKTHER



THE HON'BLE DR.JUSTICE SHAMEEM AKTHER



M.A.C.M.A.No.2711 OF 2005

Date: 18.09.2018

AMD