

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3267 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.56,280/- with costs and interest at 9% per annum from the date of petition till the date of deposit as against a claim of Rs.2,00,000/-, by the learned Chairman, Motor Accident Claims Tribunal – cum – VII Additional District Judge, Madanapalle *vide* order, dated 06.08.2005, passed in M.V.O.P.No.158 of 2000.

2. Heard the learned counsel for the appellant/claimant, Sri Mahadeva Kanthrigala, learned counsel appearing for respondent No.3 and Sri S.A.V. Ratnam, learned counsel appearing for respondent Nos.4 and 5. Inspite of service of notice, none appeared for respondent No.6. Perused the record.

3. Learned counsel for the appellant/claimant would contend that the claimant suffered grievous and simple injuries, but the Tribunal granted compensation of Rs.56,280/- only as against a claim of Rs.2,00,000/-, which is meagre; that the Tribunal has also granted lesser amounts on other heads, and ultimately, prayed to enhance the compensation and allow the appeal as prayed for.

4. Learned counsel appearing for respondent Nos.3 to 5 sought to sustain the impugned order and prayed to dismiss the appeal.

5. In view of the submissions made, the short point that falls for determination is:

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

6. **POINT:-** The appellant/claimant sustaining injuries in a motor vehicle accident that occurred on 20.08.1995 due to the rash and negligent driving of the driver of bore well rig lorry bearing No.TCE 9655 is not in dispute. The only dispute is with regard to quantum of compensation. As per Ex.A-3 – wound certificate, the claimant suffered comminuted fracture shaft on left humerus and the injury is grievous in nature. Having analysed the entire evidence and medical record, the Tribunal granted compensation of Rs.56,280/- i.e., Rs.15,000/- for the fracture of the left upper arm, Rs.15,000/- towards medical expenses, Rs.3,000/- towards transportation, Rs.3,000/- towards extra nourishment, Rs.3,000/- towards assistance and Rs.17,280/- towards permanent disability. The Tribunal had considered all the aspects while determining the above compensation i.e., age and occupation of the claimant, nature of injuries sustained by him and the consequences there from. The Tribunal also rightly assessed the disability and also granted costs and interest at 9% per annum from the date of petition till the date of deposit. There is justification in granting the said compensation. Therefore, it cannot be held that the compensation awarded by the Tribunal is meagre. Hence, the appeal is devoid of merit and is liable to be dismissed.

7. Accordingly, this 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 : 17.08.2018
AMD



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