

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3388 of 2005

JUDGMENT:

Aggrieved by the grant of compensation of Rs.1,00,600/- as against a claim of Rs.4,00,000/- by the Chairman, Motor Accident Claims Tribunal-cum-IV Additional District Judge, Chittoor at Tirupati ('the Tribunal' for brevity), vide order, dated 20.11.2004, passed in M.V.O.P.No.589 of 1999, the claimant preferred this appeal under Section 173 of the Motor Vehicles Act, 1988 ('the Act', for brevity) seeking enhancement of compensation.

2. Heard the learned counsel for appellant-claimant, the learned Standing Counsel for the 2nd respondent-Insurance Company and perused the record.

3. The learned counsel for the appellant-claimant would contend that the appellant-claimant suffered grievous injuries in the road accident that occurred on 16.06.1999. The Tribunal granted meagre amount as 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 submit that the Tribunal had taken all the relevant factors into consideration and granted just and reasonable amount as compensation. There are no circumstances to interfere with the same and ultimately prayed to dismiss the appeal.

5. It is not in dispute that the appellant-claimant suffering injuries in the accident that occurred on 16.06.1999, due to the rash and negligent driving of the driver of the Jeep bearing registration No.AP-

03-3569. In the said accident, the appellant suffered fracture to his left leg. The Tribunal, after analysing the entire evidence on record, granted a compensation of Rs.1,00,600/- with interest at the rate of 9% per annum from the date of petition till the date of realisation, in favour of the appellant-claimant, taking into consideration the loss of earnings, injuries sustained and the consequences arose therefrom. The earning capabilities and the rates prevailing as on the date of the subject accident are taken into consideration and the Tribunal awarded just and reasonable amount as compensation. There is nothing to take a different view. The appeal is devoid of merit and is liable to be dismissed.

6. In the result, the appeal is dismissed.

Miscellaneous Petitions pending, if any, shall stand closed. No order as to costs.

04th July, 2018
Bvv

Dr. SHAMEEM AKTHER, J

