

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3292 of 2005

JUDGMENT:

This appeal is filed under Section 173 of the Motor Vehicles Act, 1988 (for short 'the Act'), by the appellant-claimant aggrieved by the order dated 16.07.2004 in O.P.No.2548 of 2001 on the file of the Motor Accident Claims Tribunal-cum-Chief Judge, City Civil Court, Hyderabad (for short 'the Tribunal').

2. Heard the learned Standing Counsel for respondent No.2-Insurance Company and perused the record. Though the matter is posted under the caption 'for orders', there is no representation for the appellant-claimant. This appeal pertains to the year, 2005. Hence, it can be disposed of on merits basing on the material available on record.

3. In the grounds of appeal, it is contended that the Tribunal granted meagre compensation. The Tribunal had taken the monthly earnings of the appellant as Rs.1,000/- instead of Rs.4,000/-. The appellant was a mason. He suffered 30% disability on account of the injuries suffered in the accident, but the Tribunal has taken the disability as 25%. The evidence of P.W.2-doctor and Ex.A7-disability certificate disclose the disability of the appellant. The Tribunal granted meagre compensation on other heads also and ultimately prayed to enhance the compensation.

4. Learned Standing Counsel for the respondent-Insurance company would contend that the Tribunal had taken all the facts into consideration and elaborately dealt with the matter and granted compensation on different heads. There are no circumstances to enhance the compensation and ultimately prayed to dismiss the appeal.

5. The only point to be determined is, whether the appellant-claimant is entitled for enhancement of compensation?

6. There is no dispute with regard to the appellant suffering injuries in a motor accident occurred on 06.09.2001 due to the rash and negligent driving of the driver of the lorry bearing No.AP 11V 5314. The only dispute is with regard to quantum of compensation.

7. As seen from the entire evidence on record, the appellant said to have suffered 30% disability. He was not examined by the Medical Board. However, the Tribunal took his disability at 25% and granted an amount of Rs.50,000/- in lumpsum towards loss of future income. The Tribunal granted different amounts for the injuries and other consequences arose therefrom and awarded total compensation of Rs.80,000/- with interest @ 9% per annum. The Tribunal rightly assessed and granted the compensation. There are no circumstances to interfere with the same. Moreover, the accident was occurred on 06.09.2001. The cost of living and expenses prevailing then is required to be taken into consideration to assess and award the compensation payable to the appellant. In view of that, there is

no infirmity in the assessment and award of compensation. The appeal is devoid of merit and is liable to be dismissed.

8. In the result, the appeal is dismissed.

The Miscellaneous Petitions, if any, pending shall stand closed. No costs.

Dr. SHAMEEM AKTHER, J

Date: 02.08.2018
ssp

