

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3553 of 2005

JUDGMENT:

Aggrieved by the grant of compensation of Rs.37,000/- as against a claim of Rs.2,50,000/- by the Chairman, Motor Accident Claims Tribunal-cum-II Additional District Judge (FTC), Nizamabad ('the Tribunal' for brevity), vide order, dated 11.07.2005, passed in O.P.No.498 of 2000, the claimant preferred this appeal under Section 173 of the Motor Vehicles Act, 1988 ('the Act', for brevity) seeking enhancement of compensation.

2. Heard both sides. Perused the record.

3. The learned counsel for the appellant-claimant would contend that though the appellant-claimant suffered three grievous injuries in the subject accident occurred on 08.06.1999, the Tribunal granted a meagre compensation of Rs.37,000/- with interest @ 9% per annum from the date of petition till the date of deposit, as against a claim of Rs.2,50,000/- 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 contend that the Tribunal had taken all the relevant factors into consideration and rightly awarded a compensation of Rs.37,000/- with interest @ 9% per annum from the date of petition till the date of deposit in favour of the appellant-claimant. There are no circumstances to

enhance the compensation and ultimately prayed to dismiss the appeal by confirming the Order under Challenge.

5. It is not in dispute that the appellant-claimant sustained injuries in the subject accident occurred on 08.06.1999, due to rash and negligent driving of the driver of the van bearing registration No.AP-25-T-3161. The point that arises for determination in this appeal is whether the appellant-claimant is entitled for enhancement of compensation.

6. The Tribunal, after analysing the entire evidence on record, granted a compensation of Rs.37,000/- with interest @ 9% per annum from the date of petition till the date of deposit, as detailed below.

1.	For three fractures @ Rs.8,000/ - per fracture	Rs.24,000/ -
2.	Towards medical expenses	Rs.6,200/ -
3.	Towards transportation and extra-nourishment	Rs.2,000/ -
4.	Towards pain and suffering	Rs.2,000/ -
5.	Towards loss of earnings	Rs.3,000/ -
TOTAL		Rs.37,200/ -

7. P.W.2-Dr.L.Ramulu stated that the appellant-claimant suffered 50% disability in the subject accident and issued Ex.A.15-Disability Certificate. As per the evidence of P.W.3-Dr.Koulaiah, the appellant-claimant suffered the following injuries in the subject accident.

1. Fracture to first and second metatarsal bones of the right foot.
2. Subluxation of mid tarsal joints of the left foot.
3. Fracture of fifth metatarsal left foot.

P.W.3 further stated that the injuries suffered by the appellant-claimant in the subject accident would not result in any disability. Having analysed the entire evidence on record, the Tribunal granted the aforementioned compensation, assigning reasons. The credibility of the oral testimony and the documents issued by P.W.2-Dr.L.Ramulu need not be stated again and again, as repeatedly this Court as well as the Tribunals at Nizamabad held that P.W.2 is in the habit of issuing exaggerated Wound Certificates. The Tribunal justified in awarding a compensation of Rs.37,000/- with interest @ 9% per annum from the date of petition till the date of deposit in favour of the appellant-claimant. There are no circumstances to enhance the same. The appeal is devoid of merit and is liable to be dismissed.

8. In the result, the appeal is dismissed. No costs.

Pending Miscellaneous petitions, if any, shall stand closed.

18th September, 2018
Bvv

Dr. SHAMEEM AKTHER, J