

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A. No.3492 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 24.01.2005 in O.P.No.21 of 1998 on the file of the Motor Accident Claims Tribunal-cum-III Additional District Judge (Fast Track Court), Nizamabad (for short 'the Tribunal').

2. Heard the learned counsel for appellant-claimant, the learned counsel for the 3rd respondent-Insurance Company and perused the record. There is no representation for respondent Nos.1 and 2.

3. Learned counsel for the appellant-claimant would contend that the Tribunal granted lesser compensation though the appellant suffered grievous injuries and ultimately, prayed to enhance the same.

4. Learned counsel for the 3rd respondent-Insurance Company would contend that the Tribunal did not believe the evidence of P.W.2-Dr.L.Ramulu and justified in granting the compensation and prayed to dismiss the appeal.

5. In view of the submissions made by both sides, the point that arises for determination is, whether the appellant is entitled for enhancement of compensation?

6. There is no dispute with regard to the appellant suffering injuries in a motor accident that occurred on 16.09.1997 due to the rash and negligent driving of the driver of

lorry bearing No.AAT-1474. The only dispute is with regard to the enhancement of compensation.

6. The Tribunal while dealing with the claim petition, considered the evidence of P.W.2-doctor and Ex.A2-wound certificate of the appellant and granted an amount of Rs.18,000/- towards compensation with interest @ 9% per annum. This Court and the Tribunal on many occasions held that the said Dr.L.Ramulu is in the habit of exaggerating the injuries and issuing wound certificates. In such an event, the Tribunal justified in granting the said amount. There are no circumstances to interfere with the same.

7. In the result, the appeal is dismissed.

The Miscellaneous Petitions, if any, pending shall stand closed.

Date : 24.09.2018
ssp

Dr. SHAMEEM AKTHER, J

