

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2843 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.64,000/- with proportionate costs and interest at 9% per annum from the date of petition till the date of realisation, as against a claim of Rs.2,00,000/-, by the learned Chairman, Motor Accident Claims Tribunal – cum – District Judge at Karimnagar (for short, “the Tribunal”) *vide* order, dated 30.06.2005, passed in O.P.No.716 of 2002.

2. Heard the submissions of the learned counsel appearing for the appellant/claimant. Though this matter is posted today under the caption “For Orders”, there is no representation on behalf of respondent Nos.2 and 3/owner of TATA Sumo bearing No.AP-24-G-405 (offending vehicle) and the New India Assurance Company Limited. The appeal pertains to the year 2005. So, it can be disposed of basing on the material available on record.

3. Learned counsel for the appellant/claimant would contend that the claimant suffered grievous head injury and he has continuous pain and suffering; that the Tribunal, while awarding the compensation, did not take into account the condition of the claimant and granted a compensation of Rs.64,000/- as against a claim of Rs.2,00,000/-, which is meagre; that the compensation awarded by the Tribunal for the injuries and other heads particularly, Rs.4,000/- towards loss of income is meagre; that the claimant was working as a Senior Supervisor in Health

Department and his monthly salary was Rs.13,000/-, but the Tribunal took the income of the claimant as Rs.2,000/- per month and ultimately, prayed to enhance the compensation and allow the appeal as prayed for.

4. Though the claimant contended that he is a Senior Supervisor in Health Department earning Rs.13,000/- per month and meagre amount of Rs.4,000/- was granted towards loss of income i.e., at the rate of Rs.2,000/- per month, he did not file any certificate to show his employment as a Senior Supervisor in Health Department and also his monthly salary as Rs.13,000/-. Depending on the circumstances of the case, the Tribunal took Rs.2,000/- per month as income of the claimant and awarded Rs.4,000/- towards loss of income. There is no infirmity in the same. The Tribunal, while dealing with the subject matter, had elaborately dealt with the head injury, and granted compensation of Rs.23,152/- and Rs.6,418/- towards medical expenses, Rs.5,000/- towards transportation and Rs.25,000/- towards pain and suffering. In view of that, compensation granted by the Tribunal on different heads is quite reasonable and there are no circumstances to vary the same.

5. Learned counsel for the claimant would contend that the claimant has continuous pain and suffering on account of the head injury. As per the evidence of P.W.2 – Doctor, he examined the claimant till 30.08.2002 and thereafter, the doctor did not have the opportunity to examine the claimant. Had there been continuous problems to the claimant, he might have definitely approached P.W.2, who operated and treated him for the head injury suffered

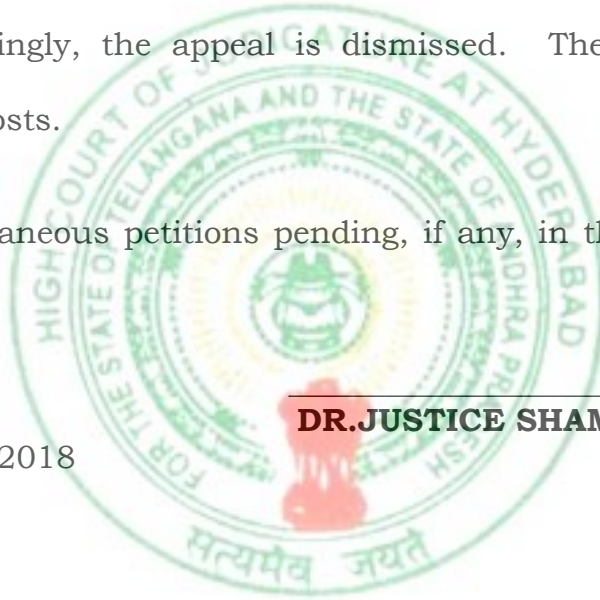
in the accident that occurred on 29.02.2002 due to the rash and negligent driving of the driver of TATA Sumo bearing No.AP-24-G-405 (offending vehicle). There is no record to hold that the claimant is continuously suffering from the head injury. As far as granting compensation of Rs.64,000/- is concerned, it is based on the principles governing the field as on the date of occurrence of the accident. So, there are no circumstances to interfere with the impugned judgment. Hence, the appeal is devoid of merit and is liable to be dismissed.

6. Accordingly, the appeal is dismissed. There shall be no order as to costs.

7. Miscellaneous petitions pending, if any, in this appeal shall stand closed.

Date : 08.08.2018
AMD

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