

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2576 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 16.06.2005 in O.P.No.164 of 2000 on the file of the Motor Accident Claims Tribunal-cum-VI Additional District Judge (Fast Track Court), Nizamabad at Kamareddy.

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

3. Learned counsel for the appellant-claimant would contend that the Tribunal has not granted compensation for pain and suffering and also towards the expenses incurred for extra nourishment and ultimately prayed to enhance the compensation.

4. Learned counsel appearing for the respondent-Insurance Company would contend that the Tribunal had taken all the facts and circumstances into consideration and awarded just and reasonable compensation and ultimately prayed to dismiss the appeal.

5. There is no dispute with regard to the appellant-claimant suffering injuries in a motor accident that occurred on 15.06.1999 due to the rash and negligent driving of the driver of lorry bearing No.TN-28-6677. The only dispute is with regard to quantum of compensation.

6. The Tribunal while dealing with the subject matter of the claim petition examined the medical record and also the oral evidence. As per the medical record placed, as per Ex.A2, the Tribunal held that

the appellant suffered two injuries, i.e., 1) multiple sutured laceration of forehead face and 2) contusion of left arm fracture of depressed frontal bone. Taking the said injuries into consideration, the Tribunal granted compensation of Rs.20,000/- towards grievous injury, Rs.3,000/- towards simple injury, Rs.5,404/- towards medical bills and Rs.12,000/- towards loss of earnings. In total, the Tribunal granted compensation of Rs.40,404/- to the appellant-claimant. The grant of compensation of Rs.40,404/- by the Tribunal on all heads is justified. There are no circumstances to enhance the compensation.

7. In the result, the appeal is dismissed.

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

No costs.

Date: 27.07.2018
ssp

Dr. SHAMEEM AKTHER, J

