

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3567 of 2005

JUDGMENT:

Aggrieved by the grant of compensation of Rs.43,000/- as against a claim of Rs.1,50,000/-, vide order, dated 24.06.2005, passed in M.V.O.P.No.213 of 2002 by the Motor Accident Claims Tribunal-cum-VII Additional District Judge (FTC), Chittoor at Madanapalle ('the Tribunal', for brevity), the claimant preferred this appeal under Section 173 of the Motor Vehicles Act, 1988 ('the Act', for brevity), seeking enhancement of compensation.

2. Heard the submissions of Sri Md.Saleem, the learned counsel for appellant-claimant and Sri A.Rama Rao, the learned Standing Counsel for APSRTC representing the sole respondent and perused the record.

3. The learned counsel for the appellant-claimant would contend that though the appellant-claimant suffered grievous and simple injuries in the subject accident occurred on 02.06.1999, the Tribunal granted a meagre compensation of Rs.43,000/- as against a total claim of Rs.1,50,000/- and ultimately prayed to enhance the compensation as claimed.

4. On the other hand, the learned Standing Counsel for the APSRTC representing the respondent would contend that the Tribunal had taken all the relevant factors into consideration and awarded just and reasonable amount as compensation. There are no circumstances to vary 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 suffered injuries in the subject accident occurred on 02.06.1999, due to rash and negligent driving of both the drivers of the APSRTC buses bearing registration Nos.AEZ-3178, in which he was travelling and AP-10-Z-4306. The only point that arises for determination in this appeal is whether the appellant-claimant is entitled for enhancement of compensation as claimed.

6. As per the oral evidence of P.W.1 and P.W.2, the appellant-claimant suffered fracture to his right femur in the subject accident occurred on 02.06.1999. He was admitted in the hospital on 03.06.1999, underwent operation on 04.08.1999 and was discharged from the hospital on 15.08.1999. The appellant-claimant is said to be a mason. The Tribunal, after analysing the entire evidence on record, granted an amount of Rs.15,000/- towards pain and suffering, Rs.10,000/- towards medical expenses, Rs.3,000/- towards transportation and assistance, Rs.3,000/- towards extra-nourishment, Rs.2,000/- towards loss of income and Rs.10,000/- towards permanent disability sustained by the appellant-claimant. In all, the Tribunal granted a compensation of Rs.43,000/- with interest @ 9% per annum from the date of petition till the date of deposit. Admittedly, the date of occurrence of the subject accident is 02.06.1999. The rates prevailing at that time and the earning capabilities of the persons in those days are required to be taken

into consideration to determine the compensation. The Tribunal took all these factors into consideration and awarded a compensation of Rs.43,000/- with interest @ 9% per annum from the date of petition till realisation in favour of the appellant-claimant. The Tribunal is justified in doing so. There are no circumstances to enhance the compensation. The appeal is devoid of merit and is liable to be dismissed.

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

Pending Miscellaneous Petitions, if any, shall stand closed.

29th August, 2018
Bvv

Dr. SHAMEEM AKTHER, J

