

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2336 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.53,456/- as against a claim of Rs.2,00,000/-, by the Chairman, Motor Accident Claims Tribunal – cum – VII Additional District Judge (Fast Track Court), Nizamabad at Bodhan (for short, “the Tribunal”) *vide* order, dated 01.02.2005, passed in M.V.O.P.No.274 of 1999.

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 the 2nd respondent/the United India Insurance 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 two grievous injuries and one simple injury; that the Tribunal granted only Rs.53,456/- as against a claim of Rs.2,00,000/-, which is meagre; that the Tribunal had not granted just and reasonable compensation on all heads and ultimately, prayed to enhance the compensation and allow the appeal as prayed for.

4. The dispute in this appeal is only for enhancement of the compensation. It is pertinent to note that the subject accident occurred on 08.03.1999. The living standards and earning

capacities in those days have to be taken into consideration to assess and award compensation. As per the evidence on record, the claimant suffered the following injuries:

- “1. Pain and swelling, deformity and abnormal mobility and bony crepitation of right humerus. X-ray of A.P. and Lateral view of right arm was taken and communicated fracture of lower 1/3rd of humerus was found and he was operated on 14-03-1999.***
- 2. Lacerated wound on the post aspect of right arm measuring 2 x 1 x ½ CM.***
- 3. Unable to dorsiflex the wrist due to radial nane injury.”***

Having considered the injuries and the treatment taken by the claimant, the Tribunal granted compensation of Rs.53,456/- i.e., Rs.30,000/- towards pain and suffering, Rs.13,456/- towards medical expenses, Rs.5,000/- towards loss of past earnings, Rs.2,000/- towards transportation charges and Rs.3,000/- towards extra nourishment. The grant of compensation on different heads is justified in the given circumstances of the case. The Tribunal had elaborately dealt with the injuries and awarded the above compensation. There is no infirmity in the impugned order. There is nothing to take a different view. Therefore, the impugned order is confirmed and the appeal is devoid of merit and is liable to be dismissed.

5. Accordingly, this appeal is dismissed. There shall be no order as to costs.

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

DR.JUSTICE SHAMEEM AKTHER

Date : 26.07.2018
AMD

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