

**THE HON'BLE DR.JUSTICE SHAMEEM AKTHER**

**M.A.C.M.A.No.2840 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.5,000/- with proportionate costs and interest at the rate of 9% per annum from the date of petition till the date of realisation, as against a claim of Rs.1,00,000/-, by the learned Chairman, Motor Accident Claims Tribunal – cum – III Additional District Judge, (Fast Track Court), Nizamabad (for short, “the Tribunal”) *vide* order, dated 12.04.2005, passed in O.P.No.481 of 2001.

2. Heard the submissions of the learned counsel appearing for the appellant/claimant and the learned Standing Counsel for the New India Assurance Company Limited appearing for respondent No.2, and perused the record.

3. Learned counsel for the appellant/claimant would contend that the claimant suffered grievous injuries, but the Tribunal granted only Rs.5,000/- as against the claim of Rs.1,00,000/-, which is meagre, and ultimately, prayed to enhance the compensation and allow the appeal as prayed for.

4. On the other hand, learned Standing Counsel appearing for the New India Assurance Company representing respondent No.2 would contend that the Tribunal had taken all the factors into consideration and granted compensation of Rs.5,000/- as against the claim of Rs.1,00,000/-, which is just and reasonable; that

there are no circumstances to interfere with the impugned order and ultimately, prayed to dismiss the appeal.

5. As per Ex.A-3 – certified copy of injury certificate, the claimant sustained two simple injuries i.e., one on the right wrist and the other on the right temple region. Considering the same, the Tribunal granted an amount of Rs.5,000/- in all and the same is just and reasonable. There are no justifiable grounds to consider the submissions made on behalf of the appellant. The assessment and calculation of compensation by the Tribunal is based on the evidence on record. Therefore, it cannot be held that the compensation awarded by the Tribunal is meagre. There is no need to interfere with the impugned order. Hence, the appeal is devoid of merit and is liable to be dismissed.

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

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

---

**DR.JUSTICE SHAMEEM AKTHER**

Date : 13.08.2018  
AMD

**THE HON'BLE DR.JUSTICE SHAMEEM AKTHER**



**M.A.C.M.A.No.2840 OF 2005**

**Date: 13.08.2018**

AMD