

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.1755 OF 2005

JUDGMENT:

This appeal, under Section 173 of the Motor Vehicles Act, 1988, is filed by the appellant-claimant aggrieved by the order, dated 07.04.2004, passed in O.P.No.1480 of 2001 by the Chairman, Motor Accident Claims Tribunal-cum-V Additional District Judge (Fast Track Court), Nizamabad ('the Tribunal', for brevity), awarding compensation of Rs.5,000/- to the appellant/claimant, as against the claim of Rs.1,00,000/-.

2. Heard learned counsel for the appellant and the learned Standing Counsel for the respondent–Corporation. Perused the record.

3. Learned counsel for the appellant would submit that the appellant suffered grievous injuries and to substantiate the same, she filed X-Ray films, marked as Ex.A5, but the Tribunal without considering the same, granted only Rs.5,000/- as compensation, which is meagre and ultimately, prayed to enhance the compensation.

4. On the other hand, learned Standing Counsel for the respondent–Corporation would submit that the Tribunal had rightly assessed and granted compensation of Rs.5,000/-, which is just and reasonable. There are no circumstances to interfere with the same and ultimately, prayed to dismiss the appeal.

5. Under these circumstances, the point for determination is whether the appellant-injured is entitled to enhancement of compensation.

6. To substantiate the claim, the appellant deposed as PW.1 and got marked Ex.A1 – certified copy of F.I.R., Ex.A2 – certified copy of charge sheet, Ex.A3 – wound certificate issued by Government Doctor, Ex.A4 – O.P. chit of Government Hospital and Ex.A5 – two x-ray films taken at Sri Venkateshwara x-ray clinic. Admittedly, the appellant did not examine the Doctor or any other person connected to Ex.A5. As per Ex.A3, the appellant sustained only one simple injury i.e., sulcultomas hematoma on fore head area. In view of that, it cannot be said that the appellant sustained grievous injury. Further, it is evident from the record that the appellant was treated as out patient in Government Hospital on that day. Hence, considering that the appellant had sustained only one simple injury, the Tribunal has granted Rs.5,000/- as compensation. There is no infirmity in the order under challenge and it does not warrant interference. Hence, the appeal is devoid of merit and is liable to be dismissed.

7. Accordingly, the appeal is dismissed.

Miscellaneous Petitions, if any, pending in this appeal shall stand closed. There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

July 03, 2018.
MD