

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3755 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 06.09.2005 in O.P.No.2304 of 2003 on the file of the Motor Accident Claims Tribunal-cum-XXI Additional Chief Judge-cum-VII Additional Metropolitan Sessions Judge, Red Hills, Nampally, Hyderabad (for short 'the Tribunal').

2. Heard the learned counsel for appellant-claimant, the learned Standing Counsel for respondent No.2-Insurance Company and perused the record. The appeal against respondent No.1 was dismissed for default on 06.01.2012.

3. Learned counsel for the appellant-claimant would contend that the Tribunal had granted meagre compensation for the grievous injuries suffered by the appellant and ultimately prayed to enhance the same.

4. Learned Standing Counsel for the respondent-Insurance Company would contend that the Tribunal had granted just and adequate compensation. There are no circumstances to enhance the compensation and ultimately prayed to dismiss the appeal.

5. In view of the above rival contentions, the point that arises for determination is, whether the appellant is entitled for enhancement of compensation?

6. There is no dispute with regard to the appellant suffering injuries in a motor accident that occurred on 14.03.2003 due to the

rash and negligent driving of the driver of tipper bearing No.AP-9/V-296. The only dispute is with regard to quantum of compensation.

7. As per the evidence of P.W.1-appellant, Ex.A3-MLC and other medical record, the appellant was admitted in Osmania General Hospital, Hyderabad; she suffered blunt injury of abdomen and multiple lacerations over spleen and she underwent surgical operation. The Tribunal took her notional income at Rs.15,000/- per annum and awarded the compensation of Rs.33,000/- as detailed below:-

Pain and suffering	Rs.25,000/-
Loss of earnings	Rs.2,500/-
Transportation	Rs.500/-
Extra nourishment	Rs.5,000/-
Total	Rs.33,000/-

The Tribunal had rightly assessed and granted just and reasonable compensation to the appellant on all heads. Hence, there are no circumstances to enhance the compensation.

8. In the result, the appeal is dismissed.

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

No costs.

Date: 20.08.2018
ssp

Dr. SHAMEEM AKTHER, J