

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.Nos.2758 and 3144 of 2005

COMMON JUDGMENT:-

Since the issue involved in these appeals is one and the same, they are being disposed of by this common judgment.

2. Both the appeals are filed under Section 173 of the Motor Vehicles Act, 1988 (for short 'the Act'), by the appellants-claimants aggrieved by the common order dated 17.03.2005 in O.P.No.167 of 2003 and O.P.No.154 of 2003 on the file of the Motor Accident Claims Tribunal-cum-Chief Judge, City Civil Court, Hyderabad (for short 'the Tribunal').

3. Heard the learned counsel for appellants-claimants, the learned Standing Counsel for respondent No.2-National Insurance Company Limited and perused the record.

4. The claim against respondent No.1 in MACMA No.2758 of 2005 was dismissed for default on 17.11.2017 and the claim against respondent No.1 in MACMA No.3144 of 2005 was dismissed for default on 06.01.2012.

5. Learned counsel for the appellants-claimants in both the appeals would contend that the Tribunal has not granted compensation towards extra nourishment, etc. The Tribunal has also not granted adequate compensation for the injuries and the consequences arose therefrom. Though the appellants claimed compensation of Rs.1,00,000/- each, the Tribunal granted only Rs.20,000/- in both the O.Ps. and ultimately prayed to enhance the compensation.

6. Learned Standing Counsel for respondent No.2- Insurance Company would contend that the Tribunal is justified in granting the compensation of Rs.20,000/- each to the appellants on different heads basing on the material evidence available on record. There are no grounds to interfere with the same and ultimately prayed to dismiss the appeal.

7. In view of the submissions made by both sides, the only point that arises for determination is, whether the appellants-claimants are entitled for enhancement of compensation?

8. Admittedly, the doctor, who issued the prescriptions, was not examined. There is only the evidence of appellants i.e., P.Ws.1 and 2 to prove their injuries. The Tribunal while considering the injuries as well as medical expenses of the appellants, granted Rs.20,000/- to each of the appellant with interest @ 9% per annum for the simple injuries. There is justification in granting the same. There are no grounds to interfere with the impugned order.

9. In the result, both the appeals are dismissed.

The Miscellaneous Petitions, if any, pending shall stand closed. No costs.

Dr. SHAMEEM AKTHER, J

Date: 10.08.2018
ssp