

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2405 OF 2006

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.11,000/- with costs and interest at 7.5% per annum from the date of petition till the date of deposit, as against a claim of Rs.2,00,000/-, by the learned Chairman, Motor Accident Claims Tribunal – cum – I Additional District Judge, Karimnagar (for short, “the Tribunal”) *vide* order, dated 04.07.2006, passed in O.P.No.305 of 2005.

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 respondents. The appeal pertains to the year 2006. 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 is a Goldsmith and he suffered fracture to his right index finger and other bleeding injuries, and due to the said fracture, he could not undertake his occupational work; that the Tribunal granted a compensation of Rs.11,000/- as against a claim of Rs.2,00,000/-, which is meagre; and ultimately, prayed to enhance the compensation and allow the appeal as prayed for.

4. In view of the submissions made by the learned counsel for the appellant, the short point that falls for determination is:

“Whether the appellant/claimant is entitled for enhancement of compensation?”

5. **POINT:-** As per the oral and documentary evidence placed on record, the claimant suffered injury to his right hand index finger, which is simple in nature. As per the record, the claimant is a Goldsmith aged 36 years and earning income of Rs.2,000/- per month. The date of the accident is 17.02.2005. So, the earning capabilities of those days are required to be taken into consideration. The claimant has claimed huge amounts on different heads, but the Tribunal, having considered the injury, granted Rs.3,000/- towards hospital and medical charges, Rs.2,000/- towards loss of earnings, Rs.1,000/- towards extra nourishment and Rs.5,000/- towards grievous injury caused to the finger of the claimant. Due to the injury caused to the finger of the claimant, he was not prevented from undertaking his occupational work i.e., Goldsmith work. So, the Tribunal granted Rs.2,000/- towards loss of earnings. There is justification on the part of the Tribunal in granting the said amount. There is also justification on the part of the Tribunal in granting the compensation on other heads. In total, the Tribunal rightly granted Rs.11,000/- with costs and interest at 7.5% per annum from the date of petition till the date of deposit. There are no circumstances to interfere with the impugned judgment. The appeal is devoid of merit and is liable to be dismissed.

6. Accordingly, the 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 : 04.09.2018
AMD



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