THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2584 of 2005

JUDGMENT:

This appeal is preferred by the appellant-claimant under Section 173 of the Motor Vehicles Act, 1988 ('the Act', for brevity), dissatisfied with the quantum of compensation of Rs.8,000/- as against the claim of Rs.1,00,000/-, awarded by the Chairman, Motor Accident Claims Tribunal-cum-IV Additional District Judge (FTC), Nizamabad ('the Tribunal' for brevity), vide order, dated 09.12.2004, passed in O.P.No.1808 of 2001.

2. Heard the learned counsel for the appellant-claimant, the learned standing counsel appearing for respondent-insurance company and perused the record. Though served, none appears for respondent No.2.

3. Learned counsel for the appellant-claimant would submit that the Tribunal had not taken into consideration the injuries suffered by the claimant in the subject accident and granted meagre compensation of Rs.8,000/- as against the claim of Rs.1,00,000/-, and ultimately, prayed to enhance the compensation.

4. The learned standing counsel for the respondent-insurance company would submit hat the Tribunal had taken all the relevant factors into consideration and assessed and awarded just and reasonable compensation, and there are no grounds to reduce the same, and ultimately, prayed to dismiss the appeal.

5. In view of the above contentions, the point that arises for consideration in this appeal is whether the appellant-claimant is entitled for enhancement of compensation ?

6. The appellant-claimant sustaining injuries in a road accident occurred on 19.8.2001 due to rash and negligent driving of driver of Jeep bearing registration No.AP13T 5401, is not disputed. The only dispute is with regard to quantum of compensation awarded by the Tribunal.

7. As per the evidence of P.W.1-claimnant and P.W.2-Doctor, the claimant suffered the following simple injuries.

a) injury on left forehead 4"x ½" x ½";

b) injury on left side forehead 3" x ½" x ½";

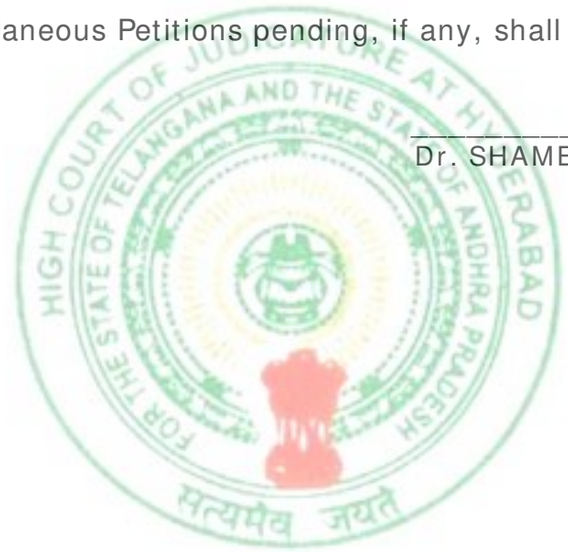
c) bleeding from occipital region.

It is the evidence of P.W.2-Doctor that the claimant suffered 20% permanent disability. The Tribunal, while dealing with the subject matter of the O.P., observed that P.W.2 was in the habit of giving false medical certificates and he is a stock witness in Nizamabad in M.V.O.P. cases and hence he is not trustworthy. The said finding was given by assigning reasons. However, as seen from the medical and oral evidence, there is medical record such as x-ray films and the discharge sheet. Therefore, it cannot be said that the claimant did not suffer the aforementioned injuries. The Tribunal granted Rs.3,000/- towards the injuries and Rs.5,000/- towards medical expenses and extra-nourishment. In addition to the above, the claimant is also entitled for Rs.3,000/- towards loss of earnings and

Rs.4,000/- towards transport expenses, pain and suffering, etc. In all, the claimant is entitled for compensation of Rs.15,000/-.

8. In the result, the appeal is allowed in part enhancing the compensation from Rs.8,000/- to Rs.15,000/-. The enhanced compensation carries interest @ 7.5% per annum from the date of petition till the date of deposit. On deposit, the claimant is entitled to withdraw the same. The other terms of the impugned order remain unaltered. There is no order as to costs of the appeal.

Miscellaneous Petitions pending, if any, shall stand closed.



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Dr. SHAMEEM AKTHER, J

19.6.2018
DRK

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2584 of 2005

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
सत्यमेव जयते

19.6.2018

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