

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3695 of 2005

JUDGMENT:

Aggrieved by the grant of compensation of Rs.22,000/- as against a claim of Rs.2,00,000/- by the Motor Accident Claims Tribunal-cum-III Additional District Judge (FTC), Adilabad at Asifabad ('the Tribunal' for brevity), vide order, dated 13.09.2005, passed in O.P.No.337 of 2002, the claimant preferred this appeal under Section 173 of the Motor Vehicles Act, 1988 ('the Act', for brevity) seeking enhancement of compensation.

2. Heard the learned counsel for both sides and perused the record.

3. The learned counsel for the appellant-claimant would contend that though the appellant-claimant suffered fractures to his both legs and other injuries in the subject accident occurred on 28.12.2001 due to rash and negligent driving of the driver of the lorry bearing registration No.AAI-2482, the Tribunal granted a meagre compensation of Rs.22,000/- as against a claim of Rs.2,00,000/- and ultimately prayed to enhance the compensation as claimed.

4. On the other hand, the learned Standing Counsel for the 5th respondent/Insurance Company would contend that the Tribunal justified in granting a compensation of Rs.22,000/- with interest @ 7.5% per annum from the date of petition till the date

of deposit to the appellant-claimant for the injuries suffered by him in the subject accident. There are no circumstances to enhance the compensation and ultimately prayed to dismiss the appeal by confirming the Order under Challenge.

5. It is not in dispute that the appellant-claimant suffered injuries in the subject accident occurred on 28.12.2001, due to rash and negligent driving of the driver of the lorry bearing registration No.AAI-2482. The only point that arises for determination in this appeal is whether the appellant-claimant is entitled for enhancement of compensation as claimed.

6. As per the oral evidence of P.W.1 coupled with the documentary evidence under Ex.A.1 and A.3 to A.5, the appellant-claimant suffered one grievous injury and two simple injuries in the subject accident occurred on 28.12.2001. Considering the same, the Tribunal granted a compensation of Rs.10,000/- towards loss of earnings, Rs.1,000/- towards transportation expenses, Rs.6,000/- towards medical expenses and extra-nourishment and Rs.5,000/- towards pain and suffering. In all, the Tribunal granted a compensation of Rs.22,000/- with interest @ 7.5% per annum from the date of petition till the date of deposit. There is justification in granting the said compensation to the appellant-claimant in view of the nature of injuries suffered by him in the subject accident. There is nothing to take a different view. There are no circumstances to enhance the compensation. The appeal is devoid of merit and is liable to be dismissed.

7. In the result, the appeal is dismissed. No costs.

Pending Miscellaneous Petitions, if any, shall stand closed.

Dr. SHAMEEM AKTHER, J

06th September, 2018
Bvv

