

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A. No.3706 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 09.09.2005 in M.V.O.P.No.279 of 2004 on the file of the Motor Accident Claims Tribunal-cum-District Judge, Nellore (for short 'the Tribunal'), which was disposed of by way of common order along with M.V.O.P.No.278 of 2004.

2. Heard the learned counsel for appellant-claimant, the learned Standing Counsel for 2nd respondent-Insurance Company and perused the record. There is no representation for 1st respondent-owner.

3. The learned counsel for appellant-claimant would contend that the appellant suffered with grievous injuries. The Tribunal had granted Rs.15,000/- towards compensation, which is meagre and ultimately, prayed to enhance the same.

4. The learned Standing Counsel for respondent-Insurance Company would contend that the Tribunal had taken all the facts and circumstances into consideration and granted just and reasonable compensation. There are no circumstances to enhance the same and ultimately, prayed to dismiss the appeal.

5. In view of the submissions made by both sides counsel, 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 15.11.2003 due to the rash and negligent driving of the driver of lorry bearing No.AP03/U-1071. The only dispute is with regard to the enhancement of compensation.

7. As seen from the material available on record, the appellant suffered with one grievous injury. The Tribunal having analysed the entire medical evidence on record, considered the consequences of the injury and rightly granted compensation of Rs.15,000/- with interest @ 7.5% per annum to the appellant. There are justifiable grounds in granting the same. There are no circumstances to vary with the impugned order.

8. In the result, the appeal is dismissed.

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

Date : 24.09.2018
ssp

Dr. SHAMEEM AKTHER, J

