

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3380 OF 2005

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.10,000/- as against a claim of Rs.1,00,000/-, by the learned Chairman, Motor Accident Claims Tribunal – cum – I Additional District Judge, Adilabad (for short, “the Tribunal”) *vide* order, dated 17.06.2005, passed in O.P.No.84 of 2002.

2. Heard the submissions of the learned counsel appearing for the appellant/claimant and the learned Standing Counsel for the New India Assurance Company Limited appearing for respondent No.2, and perused the record.

3. Learned counsel for the appellant/claimant would contend that claimant suffered two simple injuries and two grievous injuries; that the Tribunal granted only Rs.10,000/- as against the claim of Rs.1,00,000/-, which is meagre, and ultimately, prayed to enhance the compensation and allow the appeal as prayed for.

4. On the other hand, learned Standing Counsel appearing for the New India Assurance Company Limited representing respondent No.2 would contend that the Tribunal had taken all the factors into consideration and granted compensation of Rs.10,000/- as against the claim of Rs.1,00,000/-, which is just and reasonable; that there are no circumstances to interfere with the impugned judgment and ultimately, prayed to dismiss the appeal.

5. The claimant himself deposed as P.W.1 to substantiate his claim and got marked Exs.A-1 to A-3. Ex.A-1 is the attested copy of F.I.R. in Crime No.27 of 2001 of Sarangapur Police Station, dated 30.04.2001. Ex.A-2 is the attested copy of charge sheet filed by Police, Sarangapur Police Station. Ex.A-3 is the attested copy of injury certificate of P.W.1 issued by the Government Hospital, Nirmal. Though the claimant contends that he suffered two grievous injuries and underwent treatment for them and in that process, X-rays were taken and case sheet was maintained showing the treatment and injuries, but no such X-rays or case sheet are filed before this Court to uphold the contentions raised on behalf of the claimant. There are also instances where the injuries are exaggerated and false certificates are issued. The claimant failed to prove the suffering of the grievous injuries. The Tribunal, considering all the facts and circumstances, granted a compensation of Rs.10,000/-, which is just and reasonable. There are no circumstances to interfere with the same. The appeal is devoid of merit and is liable to be dismissed.

6. Accordingly, this 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 : 24.07.2018
AMD

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