

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.1346 of 2005

JUDGMENT:

This appeal is filed under Section 173 of the Motor Vehicles Act, 1988 (for short, 'the Act'), by the appellant-Insurance Company aggrieved by the order dated 27.05.2004 in O.P.No.22 of 2001 on the file of the Motor Accident Claims Tribunal-cum-XIV Additional Chief Judge, City Civil Court, Hyderabad (for short 'the Tribunal').

2. Heard the learned counsel for the appellant-Insurance Company and perused the record. The claim against respondent No.2 was dismissed for default on 08.02.2016. There is no representation on behalf of the respondent-claimant. This appeal pertains to the year 2005. Hence, it can be disposed of on merits basing on the material available on record.

3. Learned counsel for the appellant-Insurance Company would contend that the Tribunal granted compensation of Rs.5,00,000/- for the injuries sustained by the claimant who was aged four years, which led to amputation of her left leg, which is excessive and prayed to set aside the order under challenge.

4. There is no dispute with regard to the appellant-claimant suffering injuries in a motor accident occurred on 18.12.2000 due to the rash and negligent driving of the driver of lorry bearing No.AP 28T 5122. The only dispute is with regard to assessment and award of compensation.

5. The Tribunal while dealing with the subject matter of the claim petition, basing on the oral and documentary evidence held that the claimant was four years old. She suffered grievous injuries in a motor accident caused on 18.12.2000 due to the rash and negligent driving of the driver of lorry bearing No.AP 28T 5122. Initially, the claimant was admitted in Yashodha Hospital on 18.12.2000 and discharged on 20.12.2000. In the course of treatment, her left leg below the knee was amputated. There is evidence of P.W.3-doctor B.Ramakrishna and Exs.A3 and A4 showing the amputation and 50% disability said to have been suffered by the claimant. Considering the totality of the circumstances of the case, the Tribunal granted a compensation of Rs.5,00,000/- which includes loss of earnings, disability, medical expenses etc. In view of the amputation at the age of four years, there is justification in granting the said compensation with interest @ 9% per annum. There is no infirmity in the order under challenge. There are no circumstances to interfere with the same. The appeal is devoid of merit and is liable to be dismissed.

6. In the result, the appeal is dismissed.

The Miscellaneous Petitions, if any, pending shall stand closed. There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

Date: 27.07.2018
ssp