

THE HON'BLE SRI JUSTICE P. KESHAHA RAO

M.A.CMA.No.285 of 2012

JUDGMENT:

Heard the learned counsel for the appellant and the learned standing counsel for the 2nd respondent Insurance Company.

Questioning the order passed in OP.No.582 of 2008 dated 22.11.2011, the claimant has come up with the present appeal.

The facts of the case are that on 7.5.2008 at about 6.45 pm the petitioner and another person were proceeding on a TVS XL bearing No.AP AP-22/N 2507 towards their house. When they reached near Kanyakaparameshwarai temple, the driver of the crime vehicle bearing No.AP-16/W 7297 drove the same at a high speed in a rash and negligent manner and dashed against the vehicle of the petitioner resulting the petitioner sustaining injury i.e. abrasion on the left side of chest, contusion on lower lip and other multiple bleeding and grievous injuries all over the body. In that connection, the petitioner filed the above said O.P. The Tribunal below, after appreciation of the evidence as well as rival contentions of both the parties, awarded compensation of Rs.8,000/- with proportionate costs with future interest at 7.5% per annum from the date of filing of the petition till the date of realization of the amount vide orders dated 22.11.2011. Against the said orders, the present appeal is filed.

Learned counsel appearing for the appellant strenuously contended that the compensation awarded by the Tribunal below, is very minimum. The abrasion received on the left side of the chest of the

appellant is serious in nature and the Tribunal below ought to have awarded a sum of Rs.10,000/- apart from Rs.5,000/- each on the other two injuries.

Learned Standing Counsel appearing for the 2nd respondent, contended that the compensation as awarded by the Tribunal below is reasonable. He also brought to the notice of this Court the Second Schedule under Section 166(3)(A) of the Motor Vehicles Act and submitted that under the head Pain and Suffering, the injured is entitled for Rs.5,000/- and Rs.10,000/- for grievous injuries. Since the appellant received only simple injuries, the appellant is not entitled for any enhancement.

Having heard both the counsel and upon perusal of the material on record, it is seen that the appellant sustained abrasion on the left side of chest and contusion on lower lip and other simple injuries. By any stretch of imagination, the said injuries cannot be treated as grievous in nature. Therefore, this Court is of the opinion that the compensation awarded by the Tribunal below for the injuries sustained by the appellant is reasonable.

There are no merits in the appeal and the appeal is dismissed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE P.KESHA RAO

Date: 23/01/2019

lkv

