

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 3134 OF 2005

JUDGMENT:

This appeal is directed by the claimant against the order dated 10.08.2005 in O.P.No.932 of 2002 passed by the Motor Accidents Claims Tribunal-cum-V Additional Chief Judge, City Civil Court, Hyderabad (for short 'the Tribunal'). The case of the claimant is that on 26.12.2001 at about 10.10 a.m while he was proceeding towards Narayanaguda from Barkatpura on his Kinetic Honda motor cycle bearing No. AP 12 3029, a Suzuki motor cycle bearing No.AP AK 5746 driven by its rider in a rash and negligent manner dashed against the motor cycle of the claimant near Lingampally bridge cross roads, as a result of which the claimant fell down and received injuries.

Learned counsel for the appellant/claimant contended that the compensation granted by the tribunal is very low and hence, prayed to allow the appeal.

The tribunal after hearing both sides, partly allowing the appeal granted Rs.25,000/- towards compensation with proportionate costs and interest @ 8% per annum from the date of petition till the date of realization as against the compensation of Rs.7,05,126/- under Section 140 of the M.V.

Act against respondents 1 and 2 holding that they are jointly and severally liable to pay the compensation by examining the evidence of PWs.1 to 3, RWs.1 and 2 and Exs.A.1 to A.12 and Exs.B.1 to B.3

A perusal of the material available on record, having regard to the facts and circumstances of the case, admittedly, the claimant has not made out his case by examining the doctor or any employee from CDR hospital that he underwent treatment for a long period and the claimant did not chose to examine any person connected to the medical bills. PW.2, nowhere in his evidence stated that he prescribed the injunctions mentioned in the medical bills. The claimant did not chose to examine the mechanic through whom he got repaired his damaged vehicle and produced any receipts for purchase of spare parts. The claimant failed to establish that his increments were stopped and he was deprived of chances of promotion. Since the final report, which is marked as Ex.B.1, filed by the police, clearly indicates that the claimant driven Kinetic Honda motor bike bearing No. AP 12 3029 and dashed to Suzuki motor cycle bearing No. AP AK 5746 belonging to RW1 and sustained injuries and the injuries are not grievous in nature and they are simple. Therefore, the order passed by the tribunal is well considered and needs no interference by this Court in all aspects.

Accordingly, MACMA is dismissed confirming the order dated 10.08.2005 in O.P.No.932 of 2002 passed by the Motor Accidents Claims Tribunal-cum-V Additional Chief Judge, City Civil Court, Hyderabad. There shall be no order as to costs.

Miscellaneous petitions if any, shall stand closed.

Date: 30.08.2019
kvrn

T.AMARNATH GOUD,J

