

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.3675 OF 2005

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Order and Decree dated 16.09.2005 passed in O.P.No.178 of 2002 by the Chairman, Motor Accident Claims Tribunal-cum-III Additional District Judge (FTC), Asifabad (for short, the Tribunal).

2. The brief facts of the case are that on 08.08.2001 at 6.00 A.M., the appellant along with his son and wife were going in an auto bearing No.AP15T9343 from Srirampur to Mancherial and when the auto reached near Thallavagu Bridge, the jeep bearing No.MH29B 1382, driven by its driver, came at high speed and dashed against the auto. Due to which, the auto turned turtle and the appellant fell down and sustained injuries. He filed the aforesaid OP against respondent No.1 owner and Respondent No.2 insurer of jeep, respondent No.3 insurer and respondent No.4 owner and driver of the auto respectively, claiming compensation of Rs.75,000/- for the injuries sustained by him.

3. Before the Tribunal, respondent No.1 remained *ex parte*. Respondent Nos.2 and 3 filed their counters denying the averments of the claim petition and contended that the amount claimed is excessive and prayed to dismiss the claim petition.

4. After considering the oral and documentary evidence on record, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the jeep and awarded a total compensation of Rs.10,000/- with interest @ 7.5% per annum. Dissatisfied with the quantum of

compensation, the appellant filed the present appeal, seeking enhancement of the same.

5. Heard.

6. As can be seen from Ex.A2 wound certificate, the appellant sustained a contusion over the bone of right thumb and an abrasion over right thigh, and the said injuries are grievous and simple. Taking into consideration of the said injuries, the Tribunal has awarded an amount of Rs.10,000/- with interest at the rate of 7.5% per annum from the date of petition, till the date of realization. The Tribunal passed a well considered order and it needs no interference by this Court.

7. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed. Miscellaneous petitions pending, if any, shall stand closed. No costs.

Date: 29.08.2019
Shr

T.AMARNATH GOUD, J