

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 1071 OF 2006

JUDGMENT:

This appeal is directed by the claimant against the order and decree dated 02.03.2006 passed by the Special Judge for the trial of Offences under SCs & STs (POA) Act-cum-VI Additional Metropolitan Sessions Judge-cum-XX Additional Chief Judge, Secunderabad (for short 'the Tribunal), in M.V.O.P.No.144 of 2002, whereby the tribunal allowed in part granting compensation of Rs.13,490/- on account of the accident occurred on 11.05.2001 at about 04.30 p.m, which the petitioner was going by his motor cycle bearing No. AP G 2810 and when he reached near Air Force Head Quarters Gate, one Mahindra jeep bearing no. AP9 W 28, which was under the contract of APSEB, driven by the 1st respondent in a rash and negligent manner, hit him, due to which the petitioner fell unconscious by suffering severe injuries and his motor cycle damaged and the general public admitted him in B.B.R.Multi Specialty Hospital for treatment and that the doctor advised him to take bed rest for a period of four months as his spinal card was completely damaged, left leg was fractured and he required eco frame for his spinal card injury, as against the claim of Rs.6,00,000/-.

2. For the sake of convenience, the parties herein are referred to as arrayed in the tribunal.

3. Before the tribunal, respondent No.1 remained exparte. Respondent No.2 – insurance company filed counter denying the claim of the petitioner.

4. In order to prove the case of the claimant, before the tribunal, the petitioner examined PWs.1 and 2 and marked Exs.A.1 to A.46. On behalf of the respondents RW.1 was examined and marked Ex.B.1 and Exs.X1 and X2.

5. Learned counsel appearing for the appellant contended that the tribunal ought to have seen that as per the evidence of PW2-doctor that the injuries were grievous in nature and hence, prayed to grant just and proper compensation.

6. Learned standing counsel appearing for the Insurance Company contended that the award passed by the tribunal is well considered and hence, prayed to dismiss the appeal.

7. On perusal of the entire material available on record and having regard to the facts and circumstances of the case, the tribunal rightly assessed the compensation that the petitioner suffered two simple injuries i.e. laceration and abrasion wounds as per the evidence of RW.1 and Ex.X.2 and hence, the order passed by the tribunal is well considered and

needs no interference of this Court. Accordingly, the appeal filed by the claimant is liable to be dismissed.

8. In view of the above, the appeal is dismissed confirming the order and decree dated 02.03.2006 passed by the Special Judge for the trial of Offences under SCs & STs (POA) Act-cum-VI Additional Metropolitan Sessions Judge-cum-XX Additional Chief Judge, Secunderabadin M.V.O.P.No.144 of 2002. There shall be no order as to costs.

Miscellaneous petitions if any, shall stand closed.

Date: 25-10-2019
kvrn

T.AMARNATH GOUD,J

