

HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.2387 of 2006

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Order and Decree dated 28-04-2006 passed in O.P.No.917 of 2002 by the M.A.C.T.-cum-IV Additional District Judge, (F.T.C.), Nizamabad. (for short, the Tribunal).

2. Brief facts of the case are that the claimant filed the claim petition against the respondents claiming compensation of Rs.3.00 lakhs for the injuries sustained by him in the accident occurred on 03-04-2002 in a motor accident occurred near Victoria Hospital road at Nadpalli village shivar.

3. In the claim petition, the respondents, who are the owner and insurer of the crime vehicle, 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 dismissed the claim petition holding that the claimant miserably failed to establish that he met with an accident and sustained injuries.

5. Aggrieved by the same, the appellant/claimant filed the present appeal.

6. Heard and perused the material available on record.

7. Admittedly, as per Ex.A-3 Wound Certificate, the claimant sustained one fracture injury and one abrasion of simple injury to which, this Court feels that awarding Rs.15,000/- towards fracture and Rs.2,000/- towards simple injury is just and proper. Therefore, the claimant is granted compensation of Rs.17,000/- (Rs.15,000/- + Rs.2,000/-).

8. In the result, the appeal is allowed in part by granting compensation of Rs.17,000/- (Rupees Seventeen Thousand only) with interest at 7.5% per annum through out. The respondents are directed to deposit the said amount along with proportionate costs and interest within two months from the date of receipt of a copy of this order. On such deposit, the appellant/claimant is permitted to withdraw the entire amount. No costs.

9. Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE T.AMARNATH GOUD

Date: 06.12.2019
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