

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.1226 of 2006

JUDGMENT:

This appeal is filed by the appellant/claimant questioning the order passed in O.P.No.1774 of 2001 dt.30-12-2005 of the Motor Accident Claims Tribunal –cum- II Additional District Judge (F.T.C.), Nizamabad (for short, the Tribunal).

2. Brief facts of the case are that on 30-12-2005 when the claimant along with other was traveling in an auto bearing No.AP 25 T 8029 from Mosa village bus stand to Malkapoor Thanda and when they reached Lingi thanda X road, one DCM Van bearing No.AP 25 T 1227 came in opposite direction, at high speed, in a rash and negligent manner driven by its driver and dashed against auto, due to which, he sustained fractures injuries to all parts of the body. Hence, he filed claim petition claiming compensation of Rs.1.50 lakhs for the injuries sustained by him.

3. In the claim petition, the respondent Nos. 1 and 2 filed their counters denying the allegations and contended that the amount claimed by the claimant is highly excessive and that they are not liable to pay any compensation and therefore prayed to dismiss the claim petition.

4. After considering the oral and documentary evidence on record, the Tribunal held that the accident occurred due to the rash

and negligent driving of the driver of the crime vehicle and accordingly, granted an amount of Rs.30,000/- towards compensation. Aggrieved by the same, the claimant filed this appeal.

5. Heard and perused the material available on record.

6. As seen from the case on hand, the claimant has not made out his case for considering enhancement of compensation since there is no evidence on record either oral or documentary in support of his claim. Further, on perusal of the impugned order passed by the Tribunal, it is clear that the Tribunal after appreciating the oral and documentary evidence came to the conclusion and rightly granted compensation. I find no illegality or irregularity in the order passed by the Tribunal and therefore the order does not warrant any interference by this Court and accordingly, the appeal is liable to be dismissed.

7. Accordingly, the Appeal is dismissed. No costs.

8. Miscellaneous petitions pending, if any, shall stand dismissed.

T.AMARNATH GOUD, J

Date: 05-11-2019
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