

HONOURABLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.1845 of 2006

JUDGMENT:

This appeal is filed by the injured claimant under Section 173 of the Motor Vehicles Act aggrieved by the orders passed by the Motor Accidents Claims Tribunal-cum-II Additional District Judge (FTC), Nizamabad (for short 'the Tribunal') in O.P.No.1069 of 2003 dated 02.05.2006, for the injuries sustained by him.

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

3. The brief facts of the case are that on 04.05.2003 the claimant along with one Parushuram Goud were traveling in an auto bearing No.AP-25-U-3264 from Anksapur village to Metpally being driven by the claimant in slow and cautious manner and at about 10.00 AM, when they reached Morthad village shivar, a jeep bearing No.AP-25-U-2450, which was driven by its driver in rash and negligent manner, came from behind and dashed the auto, due to which the claimant and said Parushuram sustained injuries. Immediately, the claimant was shifted to MJ Hospital, Armoor and he was treated as inpatient and operation was conducted. The injured claimant incurred more than Rs.1,00,000/- towards treatment and his claim was for Rs.3,00,000/-. According to the claimant, he was working as driver and earning Rs.6,000/- per month.

4. The Tribunal has examined the claimant as PW.1 and marked Exs.A1 to A3 and on behalf of the respondents, none were examined but Ex.B1 policy was marked. The Tribunal after

framing the issues, allowed in part the claim of the claimant by awarding the compensation of Rs.25,000/-.

5. Aggrieved by the meager amount awarded by the Tribunal, the claimant preferred the present appeal with the contentions that the court below ought to have awarded the amount as claimed by the claimant and sought for enhancement of the amount by allowing the appeal. None appeared for the respondents.

6. So far as the quantum of compensation concerned, on the strength of Ex.A3-wound certificate which reveals that the claimant has sustained simple injuries in the shape of abrasion on right shoulder joint lateral aspect, right knee joint anterior aspect, mid tibial anterior aspect of leg and on right elbow post aspect of right hand. Coupled with the evidence of PW.1 and Ex.A3, the injuries 4 in number are simple in nature and in the absence of any medical evidence, this Court feels that the compensation awarded by the trial Court i.e., Rs.25,000/- is just and proper.

7. Accordingly and in the result, this Appeal is dismissed by confirming the award of the Tribunal. No costs.

Miscellaneous petitions if any shall stand closed.

T.AMARNATH GOUD, J

Date: 17.10.2019
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