

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.482 of 2011

JUDGMENT:

This appeal is preferred by the appellant/claimant questioning the order of the Motor Accident Claims Tribunal-cum-V Additional District Judge (FTC), Nizamabad (for short, the Tribunal) in O.P.No.780 of 2007 dated 03-12-2010.

2. Brief facts of the case are that on 06-04-2007 when the claimant along with others was traveling in an auto bearing No.AP-25-U-8128 from Narsingpally village towards Nizamabad and when they reached near Sailani Baba Dargah, Narsingpally village, the driver of their auto drove it in a rash and negligent manner at high speed and lost control over the auto, as a result, the auto turned turtle, due to which, the claimant and his inmates were sustained injuries. He sustained with fracture of 4th, 5th ribs right side, fracture of tibial spine etc. and immediately he was shifted to hospital for treatment. Hence, he filed the claim petition claiming compensation of Rs.2.00 lakhs against the respondent Nos.1 and 2, who are owner and insurer of the crime vehicle for the injuries sustained by him.

3. In the claim petition, the appellant-insurer filed a counter denying the allegations and contended that the amount claimed by the claimant is highly excessive and that it is 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 claimant sustained two simple injuries and accordingly granted compensation of Rs.7,000/- i.e. Rs.6,000/- towards two simple injuries; and Rs.1,000/- towards treatment. Dissatisfied with the quantum of compensation, the claimant filed this appeal.

5. Heard.

6. As seen from the record, it is clear that there are only two simple injuries. In Ex.A-3-Medical Certificate also, it is indicated that the claimant was having only suffered from two simple injuries and more over, he was absconded from the hospital. So it is presumed that since the nature of injuries are not grievous and that the claimant has not undergone complete course of treatment in the hospital and he got discharged from the hospital by himself.

7. In view of the same, the order passed by the Tribunal is well considered and needs no interference

8. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed.

9. Miscellaneous petitions pending, if any, shall stand dismissed. No order as to costs.

T.AMARNATH GOUD, J

Date: 19-08-2019
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