

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.3633 of 2005

JUDGMENT:

This appeal is filed by the appellant/claimant questioning the order passed in O.P.No.349 of 2002, dated 28-06-2005 of the Motor Accident Claims Tribunal-cum-III Additional District Judge (FTC), Asifabad (for short, the Tribunal).

2. Brief facts of both the case are that on 22-10-2001 when the claimant is driving auto trolley bearing No.AP-2539 from Sirpur to Indaram and when he reached near Aunakkanagar Colony, a private bus bearing No.AP-1-7173 came at high speed in a rash and negligent manner and hit the auto trolley from his behind, due to which, he sustained crush injury to left ear and other parts. Hence, he filed the claim petition claiming compensation of Rs.50,000/- against the respondent Nos.1 and 2 who are owner and insurer of the crime vehicle for the injuries sustained by him on the ground that he is earning Rs.3,000/- per month and he was aged about 26 years at the time of accident.

3. In the claim petition, the 2nd respondent-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 the accident occurred due to rash and negligent driving of the driver of the crime vehicle and accordingly awarded an

amount of Rs.1700/- towards compensation. Aggrieved by the same, the claimant filed this appeal.

5. Heard.

6. On perusal of the impugned order, this Court opined that there is no necessity for interfering with the award passed by the Tribunal since Ex.A-2, Medical Certificate/Wound Certificate clearly indicates that there is lacerated injury and abrasion on the body of the claimant and such injuries are simple in nature. With regard to the bed rest and loss of income is concerned, the claimant has not made out any case to prove the same before the Tribunal and thus, an amount of Rs.1,700/- has been awarded by the Tribunal. Hence, this Court finds that the impugned award is just and proper and needs no interference.

7. Accordingly, the Appeal is dismissed confirming the order of the Tribunal. No costs.

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

T.AMARNATH GOUD, J

Date: 19-09-2019

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