**THE HON'BLE SRI JUSTICE T.AMARNATH GOUD**

**M.A.C.M.A. No.238 OF 2015**

**JUDGMENT:**

This appeal is filed by the appellant-claimant aggrieved by the order and decree dated 03-10-2005 passed in O.P.No.16 of 2003 by the Chairman, Motor Accident Claims Tribunal-cum-II Additional District Judge, Warangal (for short, the Tribunal).

2. The brief facts of the case are that on 27.6.2002 at about 8.30 PM., while the petitioner was returning to Rangashaipet from Kambalapalli, one Tractor-trailer bearing No.AP36F 3450-3451, came from opposite direction in a high speed being driven rashly and negligently and hit the petitioner, due to which, he fell down and sustained injuries and became disabled due to loss of right eye vision. The claimant filed the above O.P., claiming compensation of Rs.8,00,000/- for the injuries sustained by him.

3. The first respondent remained ex parate and the second respondent filed a counter denying the allegations made in the claim petition *inter alia* contending that the amount of compensation claimed by the petitioner is excessive, exorbitant, imaginary and out of proportion and sought to dismiss the petition.

4. During the course of trial, the petitioner examined P.Ws.1 to 3 and got marked Exs.A1 to A35 and Exs.X1 and X2. On behalf of the respondents, no oral or documentary evidence was adduced.

5. After considering the material on record and the evidence adduced by the petitioner, the Tribunal allowed the O.P. in part and awarded an amount of Rs.1,17,371/- with interest at 7.5% p.a. from the date of petition till the date of realization payable by the respondents 1 and 2 jointly and severally. Being aggrieved by the quantum of compensation awarded by the Tribunal, the petitioner/claimant preferred the present appeal.

6. Heard.

7. The Tribunal has passed a well considered order and needs no interference. However, having regard to the facts and circumstances of the case, regarding the permanent disability sustained by the appellant, the amount of Rs.25,000/- granted by the Tribunal is not sufficient and this Court feels it just and proper to award an amount of Rs.1,00,000/- under the head permanent disability. Except the above modification, the award passed by the Tribunal remains unchanged.

9. Accordingly the appeal is partly allowed to the extent indicated above. Miscellaneous petitions pending if any shall stand closed. No order as to costs.

**T.AMARNATH GOUD, J**

Date: 21-01-2019.
Shr