

HON'BLE SMT. JUTICE LALITHA KANNEGANTI

M.A.C.M.A. No. 4878 OF 2008

ORDER:

This is an Appeal filed by the Insurance Company questioning the quantum of compensation awarded by the Chairman, Motor Accidents Claims Tribunal-cum-VI Additional District Judge, Warangal at Mahboobabad *vide* order dated 24.03.2006 in O.P.No. 975 of 2004.

2. As there was no representation on behalf of the Insurance Company, this Court by order dated 13.02.2023 appointed Smt. I. Maamu Vani, learned counsel to represent the Insurance Company.

3. Learned counsel submits that the 1st respondent claimant had filed the claim petition seeking compensation of Rs.1 lac. but however, the Court below granted Rs. 1,50,700/- which is beyond the amount claimed. She submits that without there being any evidence let-in by the claimant, the Court had granted the said amount, as such, the Insurance Company is constrained to move this Appeal.

4. There is no representation on behalf of the learned counsel for the claimant.

5. Admittedly, the claimant sustained injuries in the motor vehicle accident occurred on 17.04.2004. While he was going on Hero Honda Motor Cycle bearing Registration No. AP

36 E 4937 at Khanapuram Bridge, the crime tractor bearing No. AP 36 F 5531 which was driven in a rash and negligent manner dashed the motor cycle of the claimant, as a result, he fell down and sustained fracture and simple injuries. As the claimant had sustained fracture to both rami right pubis and underwent surgery, considering the medical bills and the evidence on record, the Court below granted an amount of Rs.1,50,700/-. The contention of the learned counsel for the appellant that the Court below cannot grant the amount beyond the amount claimed, has no legs to stand and it is a settled position of law that basing on the facts of the case, the Tribunal can award the amount more than the amount claimed.

6. In the light of the same, the Appeal is dismissed. No order as to costs.

7. The Miscellaneous Applications, if any shall stand automatically closed.

LALITHA KANNEGANTI, J

14th February 2023

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