

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

M.A.C.M.A.No.1058 OF 2010

JUDGMENT:-

1. Claimant in M.V.O.P.No.272 of 2002 on the file of the Motor Accident Claims Tribunal-Cum-VIII Additional District Judge, East Godvari District at Rajahmundry, is the appellant in the present appeal filed under Section 173 of the Motor Vehicles Act, 1988.

2. On the ground that he sustained injuries in the motor accident on 09.05.2001, while he was traveling on a scooter as pillion rider, the appellant herein, represented by his paternal grand father filed the present M.V.O.P.No.272 of 2002, claiming compensation of Rs.1,00,000/-. On behalf of the claimant, P.Ws.1 to 3 were examined and no oral evidence was adduced on behalf of the respondents. On behalf of the claimant, Exs.A-1 to A-4 were marked and on behalf of the respondents, Ex.B-1 was marked. The Tribunal framed the following points for consideration.

1. Whether the accident occurred on account of the rash and negligent driving of the vehicle by its driver R.1?
2. Whether the petitioner is entitled to pay compensation, if so what amount and against whom?
3. To what relief?

3. While dealing with issue No.1, the Tribunal held that the claimant proved that the subject accident occurred due to negligent driving of the respondent No.1. While dealing with issue No.2, as to the quantum of compensation, the Tribunal noticed that the claimant sustained six injuries, and out of which, one was grievous

and other five were simple in nature and accordingly, granted Rs.20,000/-. In the present case admittedly the doctor, who treated the injured claimant was not examined. The claimant also did not produce any evidence to show the expenses, if any, incurred by him towards medical expenses. On the basis of the material available on record, the Tribunal rightly assessed and granted the compensation. Therefore, this court does not find any valid reason to meddle with the Award passed by the Tribunal below.

4. Accordingly, the M.A.C.M.A is dismissed. No order as to costs.

5. Miscellaneous Petitions pending, if any, in this M.A.C.M.A shall stand closed.

JUSTICE A.V.SESHA SAI

Date: 31.12.2019
RJS

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