
(2014) 02 AP CK 0165

In the Andhra Pradesh High Court

Case No : M.A.C.M.A. No. 3358 of 2008

Thummathuka Venkataramana

APPELLANT

Vs

K. Madhusudhana Reddy

RESPONDENT

Date of Decision : 21-02-2014

Acts Referred:

Citation : (2014) 02 AP CK 0165

Hon'ble Judges : B. Siva Sankara Rao, J

Bench : Single Bench

Advocate : V.R. Reddy Kovvuri, Advocate for the Appellant; Sriman, Advocate for the Respondent

Judgement

B. Siva Sankara Rao, J.—The claimant-injured of the motor accident that occurred on 28.05.2005 while he was waiting for bus, dashed by the crime tractor and trailer AP 04 V 1261 and 1262 of 1st respondent insured with 2nd respondent for the claim of Rs. 1,50,000/-, since awarded Rs. 4,000/- only by the Tribunal, preferred the appeal impugning the quantum as utterly low and in ignorance of the material on record including the wound certificate, disability certificate and the bills and hence sought for allowing the appeal as prayed for before the Tribunal. The 1st respondent-owner of the vehicle served failed to appear and it is the contention of the 2nd respondent-insurer that the Tribunal is correct in scrutinizing the entire evidence in coming to the right conclusion for disbelieving the so called wound certificate and disability certificate, for this Court while sitting in appeal nothing to interfere but for dismissing the appeal with costs.

2. The contentions in the grounds of appeal in nutshell are that the award of the Tribunal is contrary to law, weight of evidence and probabilities of the case, that the Tribunal is erred in not considering the wound certificate, disability certificate, injuries sustained by the claimant in the accident and expenditure incurred and came to a wrong conclusion and disbelieved the evidence and thus to allow the appeal as prayed for before the Tribunal.

3. Now the points that arise for consideration in the appeal are:

1. Whether the compensation awarded by the Tribunal is not just and requires interference by this Court while sitting in appeal against the award and if so with what enhancement to arrive a just compensation and with what rate of interest?

2. To what result?

POINT-1:

4. The fact that accident was the result of rash and negligent driving of the driver of the crime tractor and trailer of 1st respondent insured with 2nd respondent as proved before the Tribunal is not in dispute for the purpose of appeal but for quantum.

5. Coming to the quantum, the Tribunal rightly not given credence to the so called disability certificate Ex. A5 as procured and not genuine apart from the factum of the same was of the year 2001 and the accident was dt. 28.05.2005 and no way related to say any disability out of any injuries sustained in the accident but for to consider the wound certificate issued by the Government Community Health Centre, Rayachoti, Ex. A3, which speaks there is no injury to spine as stated and also there are no other injuries grievous but for the injuries described simple caused by blunt object, which are two in number, that is tenderness and laceration, for which when the Tribunal granted a compensation of Rs. 4,000/- including for medical expenses and pain and sufferance, there is nothing to interfere with. Accordingly, Point No. 1 is answered.

POINT-2:

6. Accordingly, and in the result, the appeal is dismissed. There is no order as to costs. Miscellaneous petitions, if any pending in this appeal, shall stand closed.