

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

M.A.C.M.A. No.998 of 2009

JUDGMENT :

This Civil Miscellaneous Appeal is preferred by the appellant/respondent No.2 – A.P. State Road Transport Corporation (for brevity “the Corporation”), challenging the order and decree dated 21.01.2009, passed in M.V.O.P.No.722 of 2008 by the Motor Accidents Claims Tribunal (IV Additional District Judge), Tanuku, West Godavari District (for brevity “the Tribunal”), whereby and whereunder a sum of Rs.1,11,000/- was awarded towards compensation, as against the claim of Rs.1,50,000/- laid by respondent No.1 – petitioner, under Section 166 of the Motor Vehicles Act, 1988 read with Rule 455 of the Motor Vehicle Rules, 1989, for the injuries sustained by him in a road accident.

2. Appellant – Corporation is respondent No.2, respondent No.1 is the petitioner, and respondent No.2 – driver of the bus belonging to the Corporation is respondent No.1, in M.V.O.P.No.722 of 2008. For the sake of convenience, the parties are referred to as they are arrayed in M.V.O.P.No.722 of 2008 before the Tribunal.

3. The manner in which the accident had occurred in the instant case is not disputed. The liability is also not disputed by the respondent No.2 – Corporation. The only dispute is that for each grievous injury, the Tribunal ought not to have granted Rs.25,000/- , when the accident had taken place in the year 2008. To that extent, learned Standing Counsel for the respondent No.2 – Corporation has restricted his argument.

4. Heard Sri S.V. Ramana, learned Standing Counsel for the appellant – Corporation as well as Sri K. Chidambaram, learned counsel for respondent No.1 – petitioner. Perused the order under challenge and also the evidence on record.

5. The Tribunal has recorded the findings basing on the evidence of P.W.2 – Medical Officer. The grievous injuries found by P.W.2 – Medical Officer, as described in Ex.A.2, are (1) Fracture Right Zygomatic Arch; (2) Fracture Distal end of Left Radius; (3) Fracture Base of 5th Metacarpal Right Hand; (4) A lacerated wound of 2 x 1 cm of left orbit; and (5) an abrasion of 3 x 1 cm Left Shoulder. Out of the said injuries, Injury Nos.1 to 3 are grievous in nature, and injury Nos.4 and 5 are simple in nature. For three grievous injuries, the Tribunal has granted a sum of Rs.25,000/- each, thus, making it to Rs.75,000/-; and Rs.6,000/- for two simple injuries, besides the other amount of Rs.25,000/- towards medical expenses (though the petitioner filed medical bills for Rs.28,864-50 ps.), which were proved through the evidence of P.W.2, besides granting a sum of Rs.3,000/- towards pain and suffering, and Rs.2,000/- towards transport and extra-nourishment.

6. When looked at the extracts of the medical reports furnished, certainly, the amount granted by the Tribunal cannot be construed as excessive. Hence, the amount of Rs.25,000/- granted per injury cannot be faulted with. Even the rate of interest granted by the Tribunal at 7.5% per annum is also in accordance with the decision of the Hon'ble Supreme Court in RAJESH AND OTHERS V. RAJBIR SINGH AND OTHERS^[1]. Therefore, there are no merits in the Civil Miscellaneous Appeal and the same is liable to be dismissed.

7. Accordingly, this Civil Miscellaneous Appeal is dismissed, confirming the order and decree dated 21.01.2009, passed in M.V.O.P.No.722 of 2008 by the Tribunal in all respects, including the rate of interest at 7% per annum. No order as to costs.

8. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE A. SHANKAR NARAYANA

03.08.2016.

Msr

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