

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

M.A.C.M.A. No.1323 OF 2005

JUDGMENT:

Seeking enhancement, the petitioner preferred the instant appeal as he was dissatisfied with the amount of Rs.27,500/- granted by the learned Chairman, Motor Accident Claims Tribunal - cum -

V Additional District Judge, Nizamabad (for short 'the Tribunal'), as against the claim of Rs.1,00,000/- laid under Section 166 (1) (a) of the Motor Vehicles Act, 1988 (for short 'the Act'), by the order and decree, dated 07-12-2004, in O.P. No.956 of 2000, though, he sustained as many as 13 injuries on his person.

2. There is no dispute in regard to the manner in which the accident had occurred and the injuries sustained by the appellant - petitioner and also documents exhibited on behalf of the petitioner and the oral evidence.

3. Heard Smt. K. Sarala Mahender Reddy, learned counsel for the appellant, and Sri T. Ramulu, learned standing counsel for respondent No.2 - Insurance Company. Despite service of notice on respondent No.1, none appears for him.

4. Perused the order and the material on record, both, oral and documentary, let in by the parties.

5. When kept in view, the description of injuries as occurring in Ex.A-4, wound certificate, certainly, the petitioner is entitled to Rs.3,000/- per injury, and at that rate, he is entitled to Rs.39,000/- for 13 injuries as against Rs.26,000/- granted by the Tribunal. The amounts of Rs.1,000/- and Rs.500/- granted by the Tribunal towards purchase of medicines and extra nourishment, respectively, are maintained. Thus, in all, the petitioner is entitled to Rs.40,500/- (Rupees forty thousand and five hundred) as compensation as against Rs.27,500/- granted by the Tribunal. So far as the interest is concerned, the Tribunal has granted it at the rate of 9% per annum. The same is maintained, but, however, on the enhanced amount of Rs.13,000/-, the interest at the rate of 7.5% per annum is granted in view of the decision of the Hon'ble Supreme Court in **Rajesh and others v.**

Rajbir Singh and others^[1].

6. In view of the foregoing discussion, the appeal is allowed in part, and the order and decree, dated 07-12-2004, passed by the Tribunal in O.P. No.956 of 2000 are modified enhancing the compensation to Rs.40,500/- (Rupees forty thousand and five hundred) from Rs.27,500/- with interest at the rate of 9% per annum on

the amount granted by the Tribunal and at the rate of 7.5% per annum on the enhanced amount of Rs.13,000/- (Rupees thirteen thousand) from the date of petition till realization. There shall be no order as to costs.

As a sequel thereto, miscellaneous applications, if any, pending in the appeal, stand disposed of.

A. SHANKAR NARAYANA, J

June 27, 2016.

Mgr

[\[1\]](#). 2013 ACJ 1403