

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

M.A.C.M.A.No. 320 of 2006

JUDGMENT:

This appeal is arising out of the order, dated 20.12.2005, passed in O.P.No. 105 of 2004 on the file of the Chairman, Motor Accident Claims Tribunal-cum-III Additional District Judge (Fast Track Court), Asifabad.

2. This is a case of motor vehicle accident. On 07.09.2003, the appellant along with his natives was proceeding in an auto bearing No.AP1/U-5389 from Avudam village to Bheemaram to attend death ceremony of his relative and when the auto reached near Neelapilalli village the driver of the auto drove the vehicle rashly and negligently and consequently it turned turtle and the appellant and others received injuries. Therefore, the appellant filed the above O.P. claiming compensation of Rs.1,00,000/- for the injuries received by him. R.1 and R.2 being the owner and insurer of the vehicle are jointly and severally liable to pay the compensation

3. The 1st respondent remained *ex parte* before the Tribunal. The 2nd respondent Insurance Company filed a counter denying the averments made in the petition. It is contended that the driver of the

auto had no valid driving license. Therefore, prayed to dismiss the claim petition.

4. On consideration of the evidence available on record, the Tribunal has awarded compensation of Rs.24,500/- with proportionate costs and interest at 7.5% p.a. from the date of petition till realization, by an order, dated 20.12.2005. Aggrieved by the quantum of compensation awarded by the Tribunal as against his claim of Rs.1,00,000/-, the appellant has preferred this appeal seeking enhancement of the compensation.

5. Heard Mr. S. Surender Reddy, learned counsel for the appellant, and Mr. Kunche Ananda Rao, learned counsel for the 2nd respondent Insurance Company. The appeal against the 1st respondent was dismissed for default.

6. Learned counsel for the appellant submitted that the compensation awarded by the Tribunal is very meager and that the Tribunal has not considered the gravity of the injuries and not awarded any amount for the same. Therefore, he sought for enhancement of the compensation.

7. Learned counsel for the 2nd respondent-Insurance Company submits that the compensation awarded by the Tribunal is in

accordance with law and it does not require any interference.

Therefore, prayed to dismiss the appeal.

8. It is pertinent to note that there is no dispute with regard to any other aspect, except the quantum of compensation awarded by the Tribunal.

9. Now, the point for consideration in this matter is whether the appellant is entitled for enhancement of the compensation.

10. On consideration of the material available on record, it is obvious that the Tribunal having observed that the appellant suffered two grievous injuries and five simple injuries did not award any amount for the same. Further, the Tribunal has not awarded any amount under the head “attendant charges”. Therefore, in the facts and circumstances of the case, it is just and proper to enhance the compensation, as indicated below:

Nature of head	Compensation awarded by Tribunal	Compensation awarded by this Court
2 grievous injuries	---	Rs.30,000/-
5 simple injuries	---	Rs.15,000/-
Loss of earnings	Rs.9,000/-	confirmed
Pain and suffering	Rs.10,000/-	confirmed
Medical expenses	Rs.5,000/-	confirmed
Transport and attendant charges	Rs.500/- (for transport only)	Rs.5,000/-
	Rs.24,500/-	Rs.74,000/-

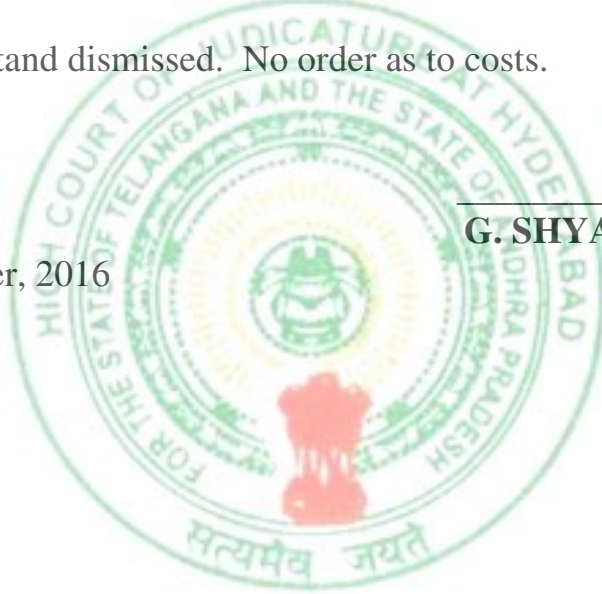
Thus, the compensation awarded by the Tribunal is enhanced from Rs.24,500/- to Rs.74,000/-.

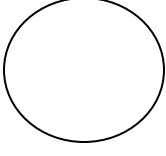
11. In the result, the appeal is partly allowed. The compensation awarded by the Tribunal is enhanced from Rs.24,500/- to Rs.74,000/- with proportionate costs and interest at 7.5% p.a. from the date of petition till realization. The order of the Tribunal in other respects shall remain unaltered.

Consequently, miscellaneous petitions if any pending in the appeal shall stand dismissed. No order as to costs.

23rd November, 2016
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G. SHYAM PRASAD, J





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