

HON'BLE SRI JUSTICE G. SHYAM PRASAD

M.A.C.M.A. No. 256 OF 2006

JUDGMENT:

1. This Appeal is arising out of the common order, dated 24.10.2005, in M.V.O.P. No.147 of 2005 on the file the Chairman, Motor Accidents Claims Tribunal-cum-IV Additional Judge, Warangal (for short, 'the Tribunal').

2. Appellant herein is the petitioner-injured, and the 1st respondent is the owner of the crime tractor bearing No.AP36G 8972 and 2nd respondent is its insurer, who filed the petition before the Tribunal, under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act') claiming compensation of Rs.3,00,000/- on account of the injuries sustained by him in a motor vehicle accident.

3. Learned counsel for the appellant submits that the appellant has received simple injuries in the accident and he has produced evidence before the Tribunal. The Tribunal, has awarded compensation of Rs.2,362/- as against his claim of Rs.50,000/-.

4. Learned counsel for the appellant submits that the Tribunal has not considered the pain and suffering, transportation, attendant charges and loss of earnings and, therefore, requested for enhancement of the compensation.

5. Learned counsel for the respondents submits that the Tribunal has considered the evidence on record and awarded just compensation and it does not require any enhancement.

6. Having considered the facts and circumstances of the case, the point for consideration in this matter is, whether there is any material for enhancement of the compensation awarded by the Tribunal?

7. POINT: Admittedly, this is a case of motor vehicle accident, in which the appellant has received two simple injuries. Learned counsel for the appellant submits that the appellant has received two injuries to his knee joints and he has undergone treatment in a hospital but the Tribunal has awarded a very meager amount of Rs.2,362/-. Having regard to the representation of the learned counsel for the appellant, I deem it appropriate to award compensation of Rs.5,000/- towards pain and suffering, Rs.6,000/- for two simple injuries and Rs.3,000/- towards extra nourishment, transportation and attendant charges. In all, the appellant is entitled for an amount of Rs.14,000/-.

8. In the result, the Appeal is allowed, in part, enhancing the compensation awarded by the Tribunal from Rs.2,362/- to 14,000/- with proportionate costs and interest at the rate of 9% p.a. from the date of petition till realization.

9. As a sequel to disposal of the appeal, miscellaneous petitions, if any, pending in this Appeal shall stand closed as infructuous.

G. SHYAM PRASAD, J

Date: 22.11.2016.
Dsh

HON'BLE SRI JUSTICE G. SHYAM PRASAD

79



23112016

M.A.C.M.A. No. 256 OF 2006

Date. 22.11.2016

DSH