

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

M.A.C.M.A. No.1890 OF 2009

JUDGMENT:

Having got dissatisfied with the award of Rs.25,000/- as compensation by the order dated 08.06.2007 in M.V.O.P. No.1446 of 2005 on the file of the Chairman, Motor Accidents Claims Tribunal-cum-VI Additional District Judge (Fast Track Court), Warangal at Mahabubabad (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') for the injuries sustained by the appellant-petitioner in a road accident, the instant appeal is preferred under Section 173 of the Act seeking enhancement of compensation.

2. Appellant herein is the petitioner, while respondent Nos.1 and 2, who are the owner and insurer of the auto-rickshaw bearing registration No.AP 36V 0598, are respondent Nos.1 and 2, respectively, in the original petition.

3. For the sake of convenience, the parties hereinafter referred to as they were arrayed before the Tribunal in the original petition.

4. Heard Sri V.Brahmaiah Chowdary, learned counsel for the appellant-petitioner, and Sri B.Narayana Reddy, learned Standing Counsel for respondent No.2-Insurance Company. Though, service was completed on respondent No.1-owner, none appears for him.

5. Perused the order and the evidence on record. The petitioner sustained the following injuries:

- "(i) Abrasion on right loin 5x4 cms size.
- (ii) Contusion on left shoulder with laceration 1x2 cms.
- (iii) Irregular laceration upper lateral aspect of right leg and knee 10x15 cms size.
- (iv) Multiple abrasions on right knee varying from 2 to 4 cms.
- (v) Contusion on right foot 6x10 cms."

Among the said injuries, third injury is grievous in nature, which is fracture of lateral aspect of right knee. The Tribunal has discarded the disability of 20% spoken to by the doctor-P.W.2, who issued disability certificate but not by any Medical Board, and granted Rs.6,000/- towards temporary loss of earnings, Rs.10,000/- towards purchase of medicines and treatment charges, Rs.1,000/- towards extra nourishment and Rs.8,000/- towards pain and suffering, making a total of Rs.25,000/-.

6. Certainly, the amounts granted by the Tribunal under various heads appear to be on lower side, when kept in view the injuries sustained by the petitioner. Therefore, the amount of Rs.8,000/- granted by the Tribunal towards pain and suffering is enhanced to Rs.25,000/- including the injuries. The amounts of Rs.1,000/- towards extra nourishment and Rs.10,000/- towards medicines and treatment charges granted by the Tribunal are

maintained. The amount of Rs.6,000/- granted by the Tribunal towards temporary loss of earnings is enhanced to Rs.9,000/- as claimed by the petitioner, when kept in view his profession, i.e., purchasing and selling of sheep. The Tribunal has not granted any amount towards attendant and transport charge. Therefore, a sum of Rs.5,000/- is granted towards attendant and transport charges.

7. Thus, the petitioner is entitled to a total sum of Rs.50,000/- (Rupees fifty thousand) as against Rs.25,000/- granted by the Tribunal towards compensation and the same is accordingly granted. So far as the rate of interest is concerned, the Tribunal granted the same at 7.5% per annum from the date of petition till realization and the same is maintained on the entire amount of compensation in view of the decision of the Hon'ble Supreme Court in **Rajesh and others v. Rajbir Singh and others**¹.

8. Accordingly, the instant appeal is allowed in part modifying the order passed by the Tribunal, by enhancing the compensation, as indicated above, and confirming the same in all other respects. There shall be no order as to costs.

9. As a sequel thereto, miscellaneous applications, if any pending in the instant appeal, stand closed.

A. SHANKAR NARAYANA, J

15th September, 2016

siva

¹ 2013ACJ1403 = 2013(4)ALT35