

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

M.A.C.M.A.No. 276 of 2006

JUDGMENT:

The appellant is injured in a motor vehicle accident. He filed O.P.No.847 of 2001 on the file of the Chairman, Motor Accidents Claims Tribunal-cum-Chief Judge, City Civil Court, Hyderabad, under Section 166 of the Motor Vehicles Act, claiming compensation of Rs.2,00,000/- for the injuries sustained by him in the accident.

2. The Tribunal, on consideration of the evidence, has awarded Rs.50,000/- towards medical expenses, extra nourishment, transport and attendant charges, Rs.7,500/- towards loss of earnings, and Rs.25,000/- towards pain and suffering, totalling to Rs.82,500/- with interest at 9% p.a. from the date of petition till realization. Being aggrieved by the quantum, the appellant preferred this appeal for enhancement of the compensation.

3. Heard Mr. V. Atchuta Ram, learned counsel for the appellant, and Mr. L. Venkateswara Rao, learned counsel for the 1st respondent.

4. 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.

5. It is the contention of the learned counsel for the appellant that the Tribunal has not considered that the appellant is a businessman and his monthly income is Rs.7,000/-. As a matter of fact, the appellant has not filed any documentary proof to show that he was earning Rs.7,000/- per month on business. The Tribunal has taken into consideration the monthly income of the appellant as Rs.2,500/-. The income of the appellant can be taken into consideration as Rs.3,000/- per month, as it is the income of even a daily wage labourer. Accordingly, the amount awarded by the Tribunal towards loss of earnings is enhanced from Rs.7,500/- to Rs.9,000/-.

6. It is the further contention of the learned counsel for the appellant that the Tribunal has not considered the disability suffered by the appellant. In fact, the appellant has not produced any evidence before the Tribunal to show that he has suffered any disability. Therefore, I do not see any reason to interfere with the finding of the Tribunal in this regard.

7. It is further contended by the learned counsel for the appellant that the Tribunal has not awarded any amount for fracture of right femur. There is evidence on record that the appellant has sustained a fracture of right femur and undergone treatment. On consideration of the evidence on record, under the above head, the appellant is

awarded compensation of Rs.15,000/-. In all, the appellant is entitled for compensation as under:

Nature of head	Compensation awarded by Tribunal	Compensation awarded by this Court
Fracture of right femur	---	Rs.15,000/-
Loss of earnings	Rs.7,500/-	Rs.9,000/-
Pain and suffering	Rs.25,000/-	confirmed
Medical expenses, extra nourishment, transport and attendant charges	Rs.50,000/-	confirmed
	Rs.82,500/-	Rs.99,000/-

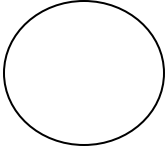
Thus, the compensation awarded by the Tribunal is enhanced from Rs.82,500/- to Rs.99,000/-.

8. In the result, the appeal is partly allowed. The compensation awarded by the Tribunal is enhanced from Rs.82,500/- to Rs.99,000/-. The appellant is entitled for interest at 7.5% p.a. on the enhanced compensation amount from the date of petition till realization. The order of the Tribunal in other respects holds good.

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

G. SHYAM PRASAD, J

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