

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

M.A.C.M.A.No.947 of 2009

JUDGMENT :

Aggrieved over the compensation of Rs.1,00,000/- granted by the Chairman, Motor Accidents Claims Tribunal-cum-III Additional District Judge, Tirupati in M.V.O.P.No.107 of 2005, the erstwhile A.P. State Road Transport Corporation preferred the instant appeal mainly contending that the Tribunal ought not to have granted Rs.60,000/- towards pain and suffering, Rs.35,000/- towards permanent disability despite the fact that no loss of income was proved by the respondent herein/the petitioner in the O.P., and, therefore, sought to set aside the award and decree passed by the Tribunal.

Heard Sri Aravala Rama Rao, learned counsel for the appellant, and Sri P.Govind Reddy, learned counsel for the sole respondent, and perused the order and evidence on record.

The order under challenge would reflect that a sum of Rs.10,000/- was granted towards partial loss of income, Rs.25,000/- towards permanent disability, Rs.60,000/- towards pain and suffering and Rs.5,000/- towards transport, extra nourishment and other incidental expenses, making a total of Rs.1,00,000/-. The petitioner, in fact, sustained as many as three grievous injuries, which are a lacerated injury in between left great toe and second toe, a cut injury on medial aspect of left foot and swelling over left knee joint and the evidence of PW-2, the Doctor would prove the injuries. The nature of injuries being grievous and Ex.X-1 contents would reflect that

the petitioner was treated as inpatient for 11 days from 12.12.2003 to 22.12.2003 and he has also attended to periodical reviews, and in such an event, the amount of Rs.20,000/- granted towards each grievous injury, cannot be faulted with. The amount of Rs.10,000/- granted by the Tribunal towards temporary loss of earnings, also cannot be faulted with. Towards permanent disability, a sum of Rs.25,000/- was granted by the Tribunal basing on the evidence of PW-2, which is towards loss of amenities, discomfort and inconvenience, by placing reliance on the decision of Hon'ble Supreme Court in **K.Sapana v. B.Appa Rao & others**^[1]. When kept in view, the injuries sustained by the petitioner, certainly, Rs.25,000/- towards permanent disability cannot be viewed as excessive. The amount of Rs.5,000/- granted towards transport, extra-nourishment and other incidental expenses, in fact, are on lower side. Therefore, viewed from any angle, there is absolutely no merit in the present appeal.

Hence, the appeal is dismissed, confirming the compensation granted by the Tribunal with interest at the rate of 7.5% per annum, which is in accordance with the decision of the Hon'ble Supreme Court in **Rajesh and others v. Rajbir Singh and others**^[2]. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

A. SHANKAR NARAYANA, J

4th August 2016

ajr

[\[1\]](#) 1988 ACJ 113
[\[2\]](#) 2013 ACJ 1403