

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

MACMA.No.1824 of 2009

JUDGMENT:

Dissatisfied with the amount of Rs.24,000/- granted as compensation, by the order dated 30.12.2008, in O.P. No.656 of 2004 on the file of the Chairman, Motor Accidents Claims Tribunal-cum-IV Additional District Judge (F.T.C), Nizamabad (for short, 'the Tribunal') as against the claim of Rs.2,00,000/- laid under Section 166 of the Motor Vehicles Act, 1988, for the injuries sustained by the petitioner in a road accident, the petitioner preferred the instant appeal seeking the balance amount on the ground that the Tribunal has not properly appreciated the evidence of P.W.2 and has not awarded the just compensation.

2. The appellant herein is the petitioner, while respondent Nos.1 and 2, owner and insurer of the mini lorry truck bearing registration No. APR 3585, are respondent Nos.1 & 2, respectively, in the original petition.

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

4. Since the fact situation and the manner in

which the accident had occurred and also the nature of the injuries sustained by the petitioner are not disputed by the learned counsel for the insurance company, the only short question that arises for consideration in this appeal is, whether the amounts awarded by the Tribunal under different heads can be construed as just and adequate or on lower side?

5. Heard Sri M.Rajamalla Reddy, learned counsel for the appellant, and Sri Srinivasa Rao Vutla, learned counsel for respondent No.2 – Insurance Company. Respondent No.1, though, served with notice, has not entered appearance.

6. The Tribunal, of course having held issue No.1 in favour of the petitioner, on issue No.2, having found that the petitioner sustained swelling and deformity of the right wrist fracture, fracture of pelvis and abrasion on right forearm measuring 10 x 5 cms, granted Rs.20,000/- towards grievous injuries, Rs.2,000/- towards simple injury and Rs.2,000/- towards pain and suffering and extra-nourishment, making a total compensation of Rs.24,000/- with interest at 7.5% per annum.

7. On perusal of the medical evidence marked through P.W.2 and the description of injuries in Ex.A3,

certified copy of the wound certificate, it is clear that the amount granted by the Tribunal is far below the amount to which the petitioner is entitled on account of injuries he sustained.

8. Concerning grievous injuries, since the petitioner sustained two grievous injuries i.e., 1) swelling and deformity of the right wrist on account of fracture of wrist, which must have been set right later after treatment, and 2) fracture of pelvis, which would have caused considerable inconvenience to the petitioner in pursuing his regular activities, keeping the same in view, an amount of Rs.50,000/- is granted towards grievous injuries including the pain and suffering.

9. An amount of Rs.2,000/- granted by the Tribunal towards simple injury is maintained. Towards extra-nourishment, a sum of Rs.5,000/- is granted, towards transport charges, a sum of Rs.2,000/- is granted and towards temporary loss of earnings, an amount of Rs.6,000/- is granted @ Rs.2,000/- for three months, in view of the grievous injuries sustained by the petitioner.

10. Thus, the petitioner is entitled to a compensation of Rs. 65,000/- (Rupees six five thousand only), as against Rs.24,000/- granted by the

Tribunal, and the same is, accordingly, granted. Since the rate of interest awarded by the Tribunal at 7.5% per annum is in accordance with the rate of interest awarded by the Hon'ble Supreme Court in the judgment of **Rajesh and others v. Rajbir Singh and others**^[1], the same rate of interest is maintained on the entire amount awarded from the date of petition till realisation.

11. Accordingly, the 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, including the rate of interest. There shall be no order as to costs.

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

**JUSTICE A.SHANKAR
NARAYANA**

19.08.2016
v v

^[1] 2013 ACJ 1403