

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

M.A.C.M.A. No.1632 of 2009

JUDGMENT :

The instant Civil Miscellaneous Appeal is preferred by the appellant-petitioner aggrieved by the judgment and decree dated 03.02.2005, passed in O.P.No.424 of 1999 by the Chairman, Motor Accidents Claims Tribunal (V Additional District Judge), Nizamabad District (for brevity "the Tribunal"), whereby and whereunder a sum of Rs.25,000/- was awarded towards compensation with interest @ 9% per annum, as against the claim of Rs.2,00,000/-, laid under Section 166 (1)(a) of the Motor Vehicles Act, 1988, for the injuries sustained by him in a motor accident that occurred on 23.04.1999 at about 9-30 a.m., near Shaik Mahaboob Hotel near Bibipur thanda village, situated on the Highway leading from Hyderabad to Nagpur, seeking enhancement of compensation.

2. The appellant herein is the petitioner, and respondent Nos.1 and 2, who are Managing Director and Depot Manager of Bheemgal Depot, Nizamabad District, respectively, of erstwhile A.P. State Road Transport Corporation (for brevity "the Corporation") are respondent Nos.1 and 2, in O.P.No.424 of 1999. For the sake of convenience, the parties are referred to as they are arrayed in O.P.No.424 of 1999 before the Tribunal.

3. The manner in which the accident had occurred and the injury sustained by the petitioner to his right leg are not in dispute. The narration of fact situation, including the pleas taken by the

rival parties needs no advertence. The only dispute is that the compensation awarded by the Tribunal is very low.

4. Heard Sri P. Radhiva Reddy, learned counsel for the appellant/petitioner, and Sri N. Vasudeva Reddy, learned Standing Counsel for the respondents – Corporation.

5. Perused the order under challenge and the evidence on record.

6. The Tribunal excluded Ex.C-1 – Disability Certificate issued by P.W.2 – Dr. L. Ramulu, Orthopaedic Surgeon, observing that the petitioner has not assigned any reasons as to why he did not approach the Government Institution to assess the disability sustained by him, though, a Medical Board constituted at the District Headquarters level exists. Thus, basing on the nature of injury sustained by the petitioner, the Tribunal has awarded a sum of Rs.25,000/- towards compensation, which finding recorded by the Tribunal need not be disturbed, for the reason that P.W.2 – Dr. L. Ramulu is in the habit of issuing Disability Certificates without there being any disability, at all, with regard to which, there has been a specific comment made by this Court in AAO.No.3518 of 2004, which needs no advertence again.

7. Ex.A-3, Certified copy of wound certificate, would show that the petitioner sustained fracture of pelvic, described as grievous injury. He was admitted on 23.04.1999 and discharged on 28.04.1999 from Government District Headquarters Hospital, Nizamabad, and even Ex.A-4 – Discharge Card was issued by Government Hospital. Thus, it is clear that the petitioner sustained fracture injuries, which details are mentioned in Ex.A-3 – Certified copy of wound certificate. So, keeping in view, that he was treated

as an inpatient for seven days, certainly, the petitioner is entitled to a sum of Rs.35,000/- towards the injury sustained as well as the pain and suffering; Rs.5,000/- towards extra-nourishment; Rs.6,000/- towards temporary loss of earnings for 3 months; and Rs.1,000/- towards transport charges. Thus, the petitioner is entitled to a total compensation of Rs.47,000/- as against the compensation of Rs.25,000/- awarded by the Tribunal, with interest @ 7.5% per annum on the enhanced amount of Rs.22,000/-.

9. Accordingly, the Civil Miscellaneous Appeal is allowed in part, enhancing the amount of compensation from Rs.25,000/- to 47,000/- (Rupees forty seven thousand only) with interest @ 9% per annum on the amount of Rs.25,000/- granted by the Tribunal, and @ 7.5% per annum on the enhanced amount of Rs.22,000/- from the date of the petition till realization. There shall be no order as to costs.

10. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE A. SHANKAR NARAYANA

12.08.2016.

Msr

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