

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

M.A.C.M.A. No.1543 of 2009

JUDGMENT :

The instant Civil Miscellaneous Appeal is preferred by the appellant-petitioner aggrieved by the order and decree dated 29.08.2005, passed in O.P.No.72 of 2001 by the Chairman, Motor Accident Claims Tribunal (VI Additional District Judge) (FTC), Kamareddy, Nizamabad District (for brevity "the Tribunal"), whereby and whereunder a sum of Rs.5,000/- was awarded towards compensation with interest @ 9% per annum, as against the claim of Rs.1,00,000/-, 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 07.05.2000 at about 1-30 p.m., near Panchamukhi Hanuman Temple, Kamareddy, Nizamabad District, seeking enhancement of compensation.

2. The appellant herein is petitioner, respondent No.1 - owner of offending Car bearing No.AHO-401 is respondent No.1; and respondent No.2 – Oriental Insurance Company Limited, who is the insurer of the offending vehicle, is respondent No.2 in O.P.No.72 of 2001. For the sake of convenience, the parties are referred to as they are arrayed in O.P.No.72 of 2001 before the Tribunal.

3. The fact situation, particularly, the manner in which the accident had occurred and the injuries sustained by the petitioner and also the Medical Certificate issued by the Civil Assistant Surgeon concerned of the Government Area Hospital, Kamareddy,

are not in dispute. The only dispute is, that the quantum of compensation awarded is very low.

4. Sri Venkateshwar Varanasi, learned counsel for the appellant/petitioner contends that the Tribunal has not properly appreciated the evidence on record in arriving at just and fair compensation.

5. *Per contra*, Sri A. Ramakrishna Reddy, learned Standing Counsel for the 2nd respondent – insurer, contends that awarding the amounts of Rs.3,000/- and Rs.2,000/- towards simple injury and pain and suffering, respectively, by the Tribunal, is perfectly in order and the same does not warrant any interference, at all.

6. Perused the impugned order and the evidence on record.

7. Ex.A-3 is certified copy of Medical Certificate issued by the Deputy Civil Assistant Surgeon of the Government Area Hospital, Kamareddy, showing that the petitioner sustained injury to his left knee of 4" x 5" x 3". It further shows that he was treated as an inpatient, having been admitted in the Hospital, and discharged on the same day. The nature of the injury is shown as simple, also indicating that there was no bone injury sustained by the petitioner as per X-ray report. Keeping in view the pain and suffering undergone by the petitioner on account of the injury, the amount of Rs.5,000/- granted by the Tribunal is enhanced to Rs.10,000/- with interest @ 7.5% per annum on the enhanced amount of compensation.

8. Accordingly, the Civil Miscellaneous Appeal is allowed in part, enhancing the amount of compensation from Rs.5,000/- to 10,000/- (Rupees ten thousand only) with interest @ 9% per

annum on the amount of Rs.5,000/- granted by the Tribunal, and @ 7.5% per annum on the balance amount of Rs.5,000/- from the date of the petition till realization. There shall be no order as to costs.

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

JUSTICE A. SHANKAR NARAYANA

12.08.2016.

Msr

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