

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

M.A.C.M.A. No.1666 OF 2005

JUDGMENT:

Having got dissatisfied with the award of Rs.6,000/- as compensation by the order dated 07.12.2005 in O.P. No.264 of 2002 on the file of the Chairman, Motor Accidents Claims Tribunal-cum-VI Additional District Judge (Fast Track Court), Nizamabad (for short, 'the Tribunal') as against the claim of Rs.1,00,000/- laid under Section 166(1)(a) of the Motor Vehicles Act, 1988 (for short, 'the Act') for the injuries sustained by the appellant-petitioner in a road accident, the instant appeal is preferred under Section 173 of the Act seeking enhancement of compensation.

2. The appellant herein is the petitioner, while respondent Nos.1 and 2 herein, who are the owner and insurer of the car bearing registration No.AP 9K 1459, are respondent Nos.1 and 2, respectively, in the original petition.

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

4. The facts are not in dispute.

5. Heard Sri K.M.Mahender Reddy, learned

counsel for the appellant-petitioner, and Sri N.J.Sunil Kumar, learned Standing Counsel for respondent No.2-Insurance Company. Though, the instant appeal is dismissed against respondent No.1-owner, by the order dated 05.01.2012, but since the decree was passed against respondent No.1-owner of the vehicle, who remained *ex parte*, the said dismissal order is of no consequence in deciding the request in the instant appeal.

6. As could be seen from the nature of injuries, it is not in dispute that the petitioner sustained four simple injuries of various sizes. Therefore, the amount of Rs.4,000/- granted by the Tribunal at the rate of Rs.1,000/- per injury is enhanced to Rs.12,000/- at the rate of Rs.3,000/- per injury. The amount of Rs.2,000/- granted by the Tribunal is maintained, which was towards probable expenditure for treatment.

7. Thus, the petitioner is entitled to a total sum of Rs.14,000/- (Rupees fourteen thousand) as against Rs.6,000/- granted by the Tribunal towards compensation and the same is accordingly granted. So far as the rate of interest is concerned, the Tribunal granted the same at 9% per annum and the same is maintained on the amount granted by the Tribunal and the interest at 7.5% per annum is granted on the enhanced amount in view of the decision of the Hon'ble Supreme Court in **Rajesh and**

others v. Rajbir Singh and others^[1].

8. Accordingly, the instant appeal is allowed in part modifying the order passed by the Tribunal, by enhancing the compensation and the rate of interest on the enhanced amount, as indicated above, and confirming the same in all other respects. There shall be no order as to costs.

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

A. SHANKAR NARAYANA, J

28th June, 2016

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^[1] 2013 ACJ 1403