

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

M.A.CMA.No.1557 OF 2009

JUDGMENT:

The present appeal is preferred by the petitioner in O.P.No.1091 of 2005 on the file of Chairman, Motor Accidents Claims Tribunal – cum – II Additional District Judge, Warangal, seeking enhancement of compensation on the ground that the amount of Rs.2,25,000/- granted by the Tribunal for the injury he sustained in a road accident that took place on 12.03.2004, while he was proceeding to his agricultural land on his bicycle, being hit by a Bajaj Caliber Motor Cycle bearing registration No.AP-36-L-1831 driven by its rider in a rash and negligent manner, is inadequate.

2. The fact-situation occurring in the instant case is not in dispute.

3. Heard Sri V. Brahmaiah Chowdary, learned counsel for the appellant, and Sri K. Subba Rao, learned counsel for respondent No.2–Insurance Company.

4. Though, service was completed on respondent No.1, none appears for him.

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

6. Two Doctors have been examined by the appellant and the disability certificate issued by M.G.M. Hospital, Warangal, showing that the appellant sustained 60% disability, was marked as Ex.A12. The Tribunal, in fact, referring to Ex.A2 – Copy of Injury Certificate, showing that the appellant sustained injury on Cervical Cord, which is grievous in nature, and Ex.A7 – Discharge Card of the Life Line Hospital, Hanamkonda, and observing that Exs.A7, A8, A10, A11 and A12 would support the appellant's case, granted Rs.25,000/- towards pain and suffering, Rs.50,000/- towards medical expenses and Rs.1,50,000/- towards 60% permanent disability, thus, making a total of Rs.2,25,000/- with interest at 6% per annum.

7. In fact, elaborate discussion has not been forthcoming touching the evidence of PWs.2 and 3 and the sufferance the appellant had undergone. Be that as it may, irrespective of the fact that the structural formula is not applied, it would be reasonable to enhance the amount of Rs.1,50,000/- granted towards 60% permanent disability to Rs.1,80,000/-, while maintaining the other amounts granted by the Tribunal.

8. Thus, the amount of Rs.2,25,000/- granted by the Tribunal is enhanced to Rs.2,55,000/-.

9. The rate of interest at 6% per annum granted by the Tribunal is on lower side when, kept in view, the decision of the Honourable

Supreme Court in **Rajesh and others v. Rajbir Singh and others**¹.

Therefore, interest at 7.5% per annum is granted on the amount of Rs.2,55,000/- from the date of petition till realisation.

10. Accordingly, the appeal is allowed in part. Miscellaneous Petitions, if any, pending in this appeal, shall stand closed. No costs.

A. SHANKAR NARAYANA, J

August 12, 2016.
MD



¹ (2013) 9 SCC 54