

HON'BLE SRI JUSTICE G.SHYAM PRASAD

MACMA No.2313 OF 2006

JUDGMENT:

This Motor Accidents Civil Miscellaneous Appeal is arising out of the order dated 20.01.2006 in O.P.No.1459 of 2002 on the file of Chairperson, Motor Accidents Claims Tribunal (IV Additional District Judge, II F.T.C) at Nalgonda (for short, "Tribunal").

2. The appellant herein is the injured in a motor vehicle accident occurred on 06.11.2002 at Nampally, Hyderabad. He filed O.P.No.1459 of 2002 under Section 166 of the Motor Vehicles Act claiming compensation of Rs.1,50,000/- for the injuries sustained by him in the accident. The Tribunal awarded compensation of Rs.50,000/- on account of the injuries sustained by the appellant in the accident. Being aggrieved by the quantum of compensation, this appeal has been preferred.

3. The brief facts of the case are that on 06.11.2002 at about 7.00 pm., while the appellant was proceeding to his camp at Nampally on his motor cycle AP 24E 1121 after attending duty at Nalgonda, and on the way when he reached the outskirts of Angadipeta Village, one auto bearing No.AP28U 2340 came in a rash and negligent manner proceeding towards Chandur and dashed against him, as a result of which, the appellant sustained injuries all over his body. The Police, Chandur Police Station, registered a case in Crime No.64/2002 under Section 337 IPC.

4. Heard Sri S.Bala Mohan Ranga, learned counsel, representing Sri P.S.P.Suresh Kumar, learned counsel for the

appellant, and Sri T.Ramulu, learned counsel for second respondent.

5. The point for consideration in this matter is whether there are sufficient grounds for enhancement of compensation?

6. The appellant was aged 25 years by the date of accident and was working as Police Constable (APSP) in Nalgonda District. He met with an accident when an auto dashed him, as a result of which, he received injuries all over his body. The appellant has filed Ex.A.2 medical certificate to prove his injuries before the Tribunal. Ex.A.2 was issued by the Government Hospital, Nalgonda which shows that the appellant has sustained 4 injuries i.e., (i) pressing wound over the head, (ii) right knee and ankle, (iii) fracture of shaft femur right and (iv) lacerations over scalp and right foot. The second injury is said to be grievous. The appellant has taken treatment in Kadimi Hospital, Nalgonda. Ex.A.6 is the original discharge card and Ex.A.7 are the original receipts and Ex.A.8 is bunch of medical bills and Ex.A.9 are x-rays. P.W.2 is the medical officer who clearly deposed that on 08.11.2002, the petitioner admitted in the hospital with complaints of fracture of shaft femur right, fracture of clacter right and lacerations on right foot and scalp. He also deposed that the appellant underwent an operation on 12.11.2002 on his right thigh and implants were inserted in his right thigh bone and he was discharged on 20.11.2002. The medical evidence clearly shows that the appellant had suffered a grievous injury and other injuries.

7. The appellant is a Constable and was drawing a salary of Rs.5,135/- per month. But, the Tribunal has taken into account

only Rs.4,406/- as his salary basing on Ex.A.11. There is evidence to the effect that the appellant was on sick leave from 07.12.2002 to 18.03.2003 i.e., for a period of 132 days. The Tribunal has properly appreciated the evidence on record with regard to nature of injuries suffered by the petitioner, but awarded less quantum of compensation of Rs.15,000/- towards one grievous injury, Rs.10,000/- towards three simple injuries, Rs.20,000/- towards medical expenses, attendances, transportation charges and extra nourishment and Rs.5,000/- towards loss of earnings.

13. On consideration of the evidence on record, the award passed by the Tribunal granting compensation of Rs.50,000/- is enhanced to Rs.80,000/-. The tabular form given below would show the enhancement particulars, if any.

Sl.No.	Name of Head	Compensation Awarded by Tribunal	Compensation Awarded by this Court
01.	One grievous injury	Rs.15,000/-	Rs.25,000/-
02.	Three simple injuries	Rs.10,000/-	Rs.15,000/-
03.	Medical expenses, attendant charges and extra nourishment	Rs.20,000/-	Rs.20,000/-
04.	Loss of earnings	Rs.5,000/-	Rs.20,000/-
	TOTAL	Rs.50,000/-	Rs.80,000/-

14. Learned counsel for second respondent submitted that the Tribunal has awarded interest @ 8% from the date of petition till the date of award and @ 6% per annum from the date of award till

the date of realization and requested that a uniform interest rate may be awarded.

14. Accordingly, the Civil Miscellaneous Appeal is allowed in part modifying the impugned award passed by the Tribunal, by enhancing the compensation from Rs.50,000/- to Rs.80,000/- with proportionate costs and interest @ 7.5% per annum from the date of petition till the date of realization. The respondents are directed to deposit the amount within two months from the date of receipt of a copy of this order. On such deposit, the appellant is permitted to withdraw half of the amount, and the remaining amount can be withdrawn after expiry of the appeal time. There shall be no order as to costs.

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

Date: 23.12.2016
TJMR

G.SHYAM PRASAD, J

