

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

MACMA.No.1965 of 2009

JUDGMENT:

On the ground that a meagre compensation of Rs.67,000/- was awarded by order and decree, dated 21.08.2006, passed in O.P.No.457 of 2003 on the file of the Chairman, Motor Accidents Claims Tribunal – cum – V Additional District Judge (Fast Track Court), Ranga Reddy District at L.B.Nagar (for short 'the Tribunal'), as against the claim of Rs.3,00,000/- laid under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act'), the petitioner in the said O.P., who was six years old on the date of accident and who sustained partial permanent disability to the extent of 30% of his left eye-sight, preferred the instant appeal seeking enhancement of compensation.

2. The appellant herein is the petitioner, while respondent Nos.1 and 2, who are the owner and insurer of the scooter bearing registration No. AP-28-B-4919, respectively, are respondent Nos.1 and 2, respectively, in the original petition.

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

4. Heard Sri K.Joseph, learned counsel for the appellant, and Sri Ravi Shankar Jandhyala, learned counsel for respondent No.2 -

insurer. No representation for respondent No.1 – owner of the offending vehicle.

5. There is absolutely no need to elaborate the details as to how the petitioner sustained injury in a road accident, since there is an agreement between both the Advocates to award Rs.1,00,000/- for the impairment of left eye vision to the extent of 30% sustained by the petitioner, which was certified by L.V. Prasad Eye Institute under Ex.A5, as against Rs.52,000/- granted by the Tribunal. The Tribunal has taken the notional income of Rs.15,000/- per annum as provided in the Second Schedule to Section 163A of the Act and deducted 1/3rd there from towards personal expenses, as it is an injury case. Therefore, the amount of Rs.52,000/- granted by the Tribunal for the injuries sustained by the petitioner is enhanced to Rs.1,00,000/-. So far as the amount of Rs.5,000/- granted towards shock, pain, suffering and loss of amenities of life and Rs.10,000/- granted towards medical expenses are concerned, the same are maintained, as sufficient reasons are found in justifying the award of the said amounts which are fair and reasonable.

6. Thus, the petitioner is entitled to a total sum of Rs.1,15,000/- (Rupees one lakh fifteen thousand only) towards compensation, as against Rs.67,000/- granted by the Tribunal, and the same is, accordingly, granted.

7. Since the rate of interest awarded by the Tribunal at 7.5% per annum is in accordance with the rate of interest awarded by the

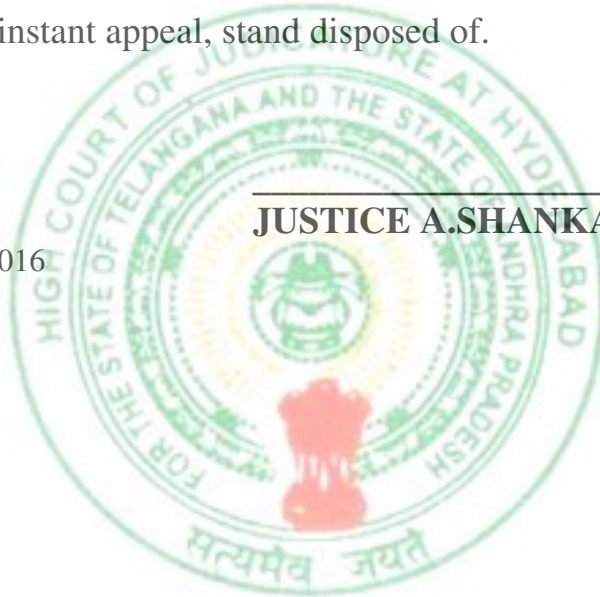
Hon'ble Supreme Court in **Rajesh and others v. Rajbir Singh and others**¹, the same rate of interest is maintained on the entire amount awarded from the date of petition till realization.

8. Accordingly, the instant appeal is allowed in part modifying the order passed by the Tribunal, by enhancing the compensation, 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 disposed of.

11th November, 2016
v v

JUSTICE A.SHANKAR NARAYANA



¹ 2013 ACJ 1403