

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

M.A.C.M.A. No.1870 OF 2009

JUDGMENT:

The present appeal is preferred by the petitioner - claimant under Section 173 of the Motor Vehicles Act, 1988 (for short 'the Act') on the ground that the amount of Rs.34,011/- awarded as compensation by the order and decree, dated 08-04-2009, in O.P. No.277 of 2006, on the file of the Chairman, Motor Accident Claims Tribunal - cum - I Additional District Judge, Adilabad (for short 'the Tribunal'), as against the claim of Rs.1,50,000/- laid under Sections 166 and 163-A of the Act, is very meager and sought enhancement.

2. The appellant herein is the petitioner, while respondent - Andhra Pradesh State Road Transport Corporation is the respondent in the OP before the Tribunal.

3. For the sake of convenience, the parties are hereinafter referred to as they were arrayed in the OP.

4. The fact-situation occurring in the instant case is not in dispute including the injuries sustained by the petitioner and the nature of injuries.

5. Heard Sri S. Surender Reddy, learned counsel for the appellant - petitioner, and Sri A. Ravi Babu, learned standing counsel for the respondent.

6. Perused the order and the evidence on record, both, oral and documentary.

7. The Tribunal has granted Rs.2,500/- for each simple injury and for four simple injuries a sum of Rs.10,000/- was granted. This apart, for grievous injury, a sum of Rs.7,500/- was granted. This apart, towards extra nourishment, a sum of Rs.2,500/-, towards transport charges, a sum of Rs.2,500/-, towards attendant charges a sum of Rs.2,500/- and towards loss of wages a sum of Rs.5,000/- and purchase of medicines covered by Ex.A-5 a sum of Rs.4,011/-, making a total of Rs.34,011/- was granted as compensation with interest at 7.5% per annum thereon.

8. The short question that requires consideration is whether the compensation awarded by the Tribunal is just and adequate?

9. When kept in view, the sufferance which the petitioner had undergone and the nature of injuries he sustained; for simple injuries, Rs.2,500/- per injury granted by the Tribunal is enhanced to Rs.3,000/- per injury, making a total of Rs.12,000/- for four simple injuries; for grievous injury, a sum of Rs.7,500/- was granted by the Tribunal, but certainly, the same requires enhancement and, accordingly, the same is enhanced to Rs.15,000/-. Towards extra nourishment, Rs.2,500/- granted by the Tribunal is enhanced to Rs.5,000/-. The other amounts granted by the Tribunal are

maintained. Thus, in all, the petitioner is entitled to Rs.46,011/- as compensation as against Rs.34,011/- granted by the Tribunal.

10. Concerning the rate of interest, the Tribunal awarded it at 7.5% per annum. The same is maintained and also on enhanced amount of Rs.12,000/- at the same rate in view of the decision of the Hon'ble Supreme Court in **Rajesh and others v. Rajbir Singh and others**¹.

11. In the result, the appeal is allowed in part, and the order and decree, dated 08-04-2009, in O.P. No.277 of 2006, passed by the Tribunal are modified enhancing the compensation to Rs.46,011/- (Rupees forty six thousand and eleven) from Rs.34,011/- with interest at 7.5% per annum thereon from the date of petition till realization. No order as to costs.

As a sequel thereto, miscellaneous applications, if any, pending in the appeal, stand disposed of.

A. SHANKAR NARAYANA, J

August 23, 2016.

Mgr

¹. 2013 ACJ 1403