

HON'BLE SRI JUSTICE G.SHYAM PRASAD

MACMA No.2367 OF 2006

JUDGMENT:

This Motor Accidents Civil Miscellaneous Appeal is arising out of the order dated 05.07.2006 in M.V.O.P.No.429 of 2003 on the file of Chairman, Motor Accidents Claims Tribunal-cum-VI Additional District Judge (FTC), Nizamabad (for short "Tribunal").

2. The appellant herein is the injured in a motor vehicle accident occurred on 16.01.2003 at Dubba Post Office Road, Nizamabad. He filed M.V.O.P.No.429 of 2003 claiming compensation of Rs.1,50,000/- for the injuries sustained by him in the accident. The Tribunal awarded compensation of Rs.8,000/- 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 16.01.2003 at about 6.45 pm while the appellant was going on his cycle to distribute newspapers and, when he reached in front of Dubba Post Office, Nizamabad, one auto Rickshaw bearing No.AP25U 3992 came in a rash and negligent manner with high speed and dashed the appellant, as a result of which, the appellant sustained grievous injuries.

4. Heard Sri Y.S. Yella Nand Gupta, learned counsel for the appellant. Learned counsel for second respondent is not

present and there is no representation on behalf of the second respondent.

5. Learned counsel for the appellant mainly contended that the quantum of compensation awarded by the Tribunal is not in proportion to the injuries suffered by the petitioner. He submits that in para 14 of the award, the Tribunal came to the conclusion that the appellant has received two simple injuries, but granted a meager compensation of Rs.8,000/- i.e., Rs.2,000/- towards two simple injuries, Rs.3,000/- towards medical expenses, Rs.2,000/- towards pain and suffering and Rs.1,000/- towards transportation and extra nourishment. He, therefore, prayed for enhancement of the compensation.

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

7. **POINT:** The award of the Tribunal appears to be on a lower side when compared with the injuries sustained by the petitioner in the motor vehicle accident. Therefore, the compensation is enhanced as follows:

Sl.No.	Name of Head	Compensation Awarded by Tribunal	Compensation Awarded by this Court
01.	Two simple injuries	Rs.2,000/-	Rs.10,000/-
02.	Medical expenses	Rs.3,000/-	Rs.5,000/-

03.	Pain and suffering	Rs.2,000/-	Rs.10,000/-
04.	Transporation and extra nourishment	Rs.1,000/-	Rs.2,000/-
	TOTAL	Rs.8,000/-	Rs.27,000/-

8. Accordingly, the Civil Miscellaneous Appeal is allowed in part modifying the impugned award passed by the Tribunal, by enhancing the compensation from Rs.8,000/- to Rs.27,000/- with proportionate costs and subsequent 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 the entire amount. There shall be no order as to costs.

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

G.SHYAM PRASAD, J

Date: 27.12.2016
TJMR