

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

MACMA.No.1877 of 2009

JUDGMENT:

The present appeal is preferred by the petitioner-claimant in O.P.No.282 of 2006 on the file of the Chairman, Motor Accidents Claims Tribunal-cum-I Additional District Judge, Adilabad (for short, 'the Tribunal'), seeking enhancement of compensation on the ground that the amount of Rs.71,766/- awarded by the Tribunal, by its order and decree, dated 18.03.2009, in the said O.P., was meagre, since he sustained two fractures, first, being fracture of tibia, and the second, fracture of pelvis, and he was treated as an inpatient from 19.04.2004 to 27.04.2004 and the doctor examined as P.W.2 proved the same. Therefore, he sought to grant the balance amount by preferring the present appeal under Section 173 of the Motor Vehicles Act.

2. The appellant herein is the petitioner, while respondent Nos.1 and 2, who are the owner and the insurer of the lorry bearing registration No.KA-34-3627, respectively, were 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. The fact-situation occurring in the instant case, as to taking place of the accident and the injuries sustained by the petitioner, is not in dispute.

5. Heard Sri S.Surender Reddy, learned counsel for the appellant-petitioner. No representation for respondent No.2-Insurance Company. Though, respondent No.1 was served with notice, none appears for him.

6. Perused the order under challenge and the evidence on record, both, oral and documentary let in by the petitioner.

7. The Tribunal has, in fact, granted an amount of Rs.28,000/- for two fractures and four simple injuries, Rs.3,000/- towards extra-nourishment, Rs.3,000/- towards transport charges, Rs.6,000/- towards temporary loss of earnings, Rs.3,376/- towards medical expenses, Rs.23,390/- towards hospital expenses and Rs.5,000/- towards future medical expenses.

8. For two fractures, the Tribunal granted Rs.18,000/- @ Rs.9,000/- for each fracture, and the same appears to be on lower side, when kept, in view the fracture of tibia to left wrist, to which nails were inserted and POP was applied. Therefore, the same is enhanced to Rs.30,000/- @ Rs.15,000/- for each fracture. For four simple injuries, the Tribunal granted an amount of Rs.10,000/- @ Rs.2,500/-

for each simple injury, and the same is enhanced to Rs.12,000/- @ Rs.3,000/- for each injury. An amount of Rs.3,000/- granted towards extra-nourishment is on lower side and, therefore, it is enhanced to Rs.5,000/-. Towards attendant charges, a sum of Rs.5,000/- is granted. The other amounts i.e., Rs.3,000/- granted towards transport charges, Rs.6,000/- towards temporary loss of earnings, Rs.3,376/- towards medical expenses, Rs.23,390/- towards hospital expenses and Rs.5,000/- towards future medical expenses are maintained making a total of Rs.92,766/- and rounded off to Rs.93,000/-.

9. Thus, the petitioner is entitled to a compensation of Rs.93,000/- (Rupees ninety three thousand only) and the same is, accordingly, granted.

10. So far as the rate of interest is concerned, the Tribunal granted the same at 7.5% per annum and since the same 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 is maintained on the entire amount from the date of petition till realisation.

11. In the result, the instant appeal is partly allowed modifying the order passed by the Tribunal, by enhancing the

¹ 2013 ACJ 1403

compensation, as indicated above, and confirming the same in all other respects. There shall be no order as to costs.

12. As a sequel thereto, miscellaneous applications, if any pending in the instant appeal, shall stand closed.

JUSTICE A.SHANKAR NARAYANA

09.09.2016

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