

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

M.A.C.M.A. No.1934 OF 2009

JUDGMENT:

Having got dissatisfied with the award of Rs.5,000/- as compensation by the order dated 05.01.2008 in O.P. No.310 of 2006 on the file of the Chairman, Motor Accidents Claims Tribunal-cum-I Additional District Judge, Mahabubnagar (for short, 'the Tribunal') as against the claim of Rs.50,000/- laid under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act') read with the Rules framed thereunder, for the injuries sustained by the appellant-petitioner in a road accident, the instant appeal is preferred under Section 173 of the Act seeking enhancement of compensation.

2. The appellant herein is the petitioner, while respondent Nos.1 and 2 herein, who are the owner and insurer of the auto-rickshaw bearing registration No.AP 22V 3924, are respondent Nos.1 and 2, respectively, in the original petition.

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

4. Heard Sri K.Venkatesh Gupta, learned counsel for the appellant-petitioner, and Sri N.S.Bhaskar Rao, learned Standing Counsel for respondent No.2-Insurance Company. No representation for respondent No.1.

5. A perusal of Ex.A.2 would show that the petitioner sustained five injuries, the description of which is mentioned therein showing them as simple in nature. Though, X-ray of left shoulder was taken, no bony injury was found according to the Civil Assistant Surgeon. So, keeping in view the same, at the rate of Rs.3,000/- per injury, a sum of Rs.15,000/- is granted for five simple injuries as against Rs.3,000/- granted by the Tribunal. The amounts of Rs.1,100/- towards medical expenses and Rs.900/- towards extra nourishment, transportation and loss of income granted by the Tribunal are maintained.

6. Thus, the petitioner is entitled to a total sum of Rs.17,000/- (Rupees seventeen thousand) as against Rs.5,000/- granted by the Tribunal towards compensation and the same is accordingly granted. So far as the rate of interest is concerned, the Tribunal granted the same at 7.5% per annum and the same is maintained on the entire amount of compensation in view of the decision of the Hon'ble Supreme Court in **Rajesh and others v. Rajbir Singh and others**¹.

7. 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.

¹ 2013 ACJ 1403

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

22nd August, 2016
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A. SHANKAR NARAYANA, J

