

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

M.A.CMA.No.2325 OF 2009

JUDGMENT:

Dissatisfied with the award of Rs.60,000/- as compensation by order and decree, dated 22.04.2008, in M.V.O.P.No.464 of 2005 on the file of Chairman, Motor Accidents claims Tribunal – cum – II Additional District and Sessions Judge (Fast Track Court), Sanga Reddy, as against the claim of Rs.2,00,000/- laid under Section 166 of the Motor Vehicles Act, 1988, the present appeal is preferred by the petitioner in the said O.P., seeking enhancement of compensation on the main ground that despite the petitioner sustained fracture of right femur bone and examined PW.2 – the Doctor, who treated her in Military Hospital, Secunderabad, the Tribunal has awarded a meagre amount as compensation.

2. Heard Sri R. Vinod Reddy, learned counsel for the appellant, and Smt. A. Malathi, learned counsel for respondent No.2. Despite service of notice, respondent No.1 did not choose to enter appearance.

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

4. The only injury sustained by the appellant was fracture of right femur bone. The Tribunal, on the premise that the appellant would have suffered inconvenience for a period of six months went on determining compensation. However, the amount of Rs.5,000/- granted towards injury and Rs.20,000/- towards pain and suffering

appear to be on lower side and, therefore, as against Rs.25,000/-, an amount of Rs.35,000/- is granted. The other amounts of Rs.18,000/- awarded towards temporary loss of earnings, in the form of value of domestic services rendered by the appellant, and Rs.10,000/- awarded towards medical expenses, are reasonable and, therefore, the same are maintained. The amount of Rs.7,000/- awarded towards transportation and extra nourishment is enhanced to Rs.10,000/-, keeping in view, that the appellant require some sort of assistance for a brief period. Thus, an amount of Rs.73,000/- is awarded as compensation as against Rs.60,000/- awarded by the Tribunal.

5. The Tribunal has awarded interest at 7.5% per annum. Since the said rate of interest is in tune with the rate of interest at 7.5% per annum awarded by the Honourable Supreme Court in **Rajesh and others v. Rajbir Singh and others**¹, the same is maintained on the enhanced amount also.

6. Accordingly, the appeal is allowed in part enhancing the compensation from Rs.60,000/- to Rs.73,000/- with interest at 7.5% per annum from the date of petition till realisation. Miscellaneous Petitions, if any, pending in this appeal, shall stand closed. There shall be no order as to costs.

A. SHANKAR NARAYANA, J

October 26, 2016.
MD

¹ (2013) 9 SCC 54