

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

M.A.C.M.A. No.1472 OF 2009

JUDGMENT:

The present Civil Miscellaneous Appeal, under Section 173 of the Motor Vehicles Act, 1988 (for short 'the Act'), is preferred by the petitioner seeking enhancement of compensation as the amount of Rs.40,000/- (Rupees forty thousand only) granted by the learned Chairman, Motor Accidents Claims Tribunal - cum - II Additional District Judge (Fast Track Court), Nizamabad by the order and decree dated 08.11.2006 in O.P. No.765 of 2001, was very meager as the claim itself was laid for Rs.5,00,000/- under Section 166 of the Act.

2. Heard Sri P. Radhive Reddy, learned counsel for the petitioner (appellant).

3. No representation for respondent No.1, owner of the Nissan Van bearing No.ATJ - 8969 that involved in the accident.

4. Admittedly, the petitioner sustained three (3) injuries viz., (1) laceration of 2 x 1 centimeter on right knee, (2) abrasion of 1 x 1/1 centimeter on left little finger and (3) head injury. Injury Nos.2 and 3 were noted as simple injuries, whereas injury No.1 is noted as fracture of right tibia. Though, the petitioner submitted number of documents having taken treatment from Dr. L. Ramulu and Dr. T. Narsing Rao, Orthopaedic Surgeons, who have issued disability certificate, showing the disability to a tune of 70%, the documents relating to Pragathi

Hospital, Nizamabad issued by Dr. Ramulu and Dr. Narsing Rao are discarded by the Tribunal on the ground that they are in the habit of issuing such certificates as noted by this Court also when the matters came up for consideration holding that the disability certificates issued by them are false.

5. Be that as it may, the amount of Rs.25,000/- granted for the first injury, which is fracture of right knee, though, it was hair line fracture, still, the inconvenience, to which the petitioner was put to, the same is enhanced to Rs.35,000/- towards pain and suffering and injury as such. The amount of Rs.5,000/- granted by the Tribunal towards treatment expenditure is enhanced to Rs.10,000/-. The amount of Rs.5,000/- granted towards medicines is maintained only towards medicines, but not towards extra-nourishment and transport charges. An amount of Rs.5,000/- is granted towards extra-nourishment and Rs.2,000/- towards transport charges, and Rs.6,000/- towards temporary loss of earnings at the rate of Rs.2,000/- per month for a period of three (3) months.

6. Thus, the petitioner is totally entitled to Rs.63,000/- (Rupees sixty three thousand only) as against Rs.40,000/- granted by the Tribunal and the same is accordingly granted with interest at 7.5% per annum on the entire amount, which includes enhanced amount, granted by the Tribunal, since the same is in tune with the rate of

interest awarded by the Hon'ble Supreme Court in **Rajesh and others v. Rajbir Singh and others**¹, from the date of petition till realization.

7. Accordingly, the Civil Miscellaneous Appeal is allowed in part modifying the order under challenge by enhancing the compensation to the extent indicated above while confirming the same in all other aspects. There shall be no order as to costs.

8. As a sequel thereto, Miscellaneous Applications, if any, pending in the appeal stand disposed of.

November 4, 2016.

PV

1. 2013ACJ1403 = 2013(4)ALT35

A. SHANKAR NARAYANA, J

