

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

M.A.CMA.No.1699 OF 2009

JUDGMENT:

The present appeal is preferred by the petitioner in M.V.O.P.No.191 of 1999 on the file of Chairman, Motor Accidents Claims Tribunal – cum – I Additional District Judge, Chittoor, having got dissatisfied with the award of Rs.39,000/- as compensation by order and decree, dated 13.04.2005, passed in the said O.P., for the injuries sustained by him when an R.T.C. bus belonging to the respondent – Corporation dashed the tempo truck, in which the petitioner was travelling, as against the claim of Rs.1,50,000/- laid under Section 166 of the Motor Vehicles Act, 1988.

2. Heard Sri K. Suresh Kumar Reddy, learned counsel for the appellant. Despite service of notice on the Corporation, none appears for it.

3. The Tribunal, having noticed from Exs.A3 and A5, which are certified copy of the wound certificate issued by the Government Hospital, Palamaner, and discharge summary issued by C.M.C. Hospital, Vellore, respectively, that the appellant sustained one grievous injury and three simple injuries, awarded Rs.10,000/- towards grievous injury, which is a fracture, and Rs.1,000/- per simple injury, besides awarding Rs.19,200/- towards medical expenses,

Rs.1,600/- towards attendant charges, including the attendant's boarding and lodging, Rs.3,000/- towards temporary loss of earnings for two months, Rs.1,000/- towards transport charges, and Rs.1,200/- towards miscellaneous expenses and extra nourishment, thus, making a total of Rs.39,000/-.

4. In fact, Dr. Rabin Chako. K. from C.M.C. Hospital, Vellore, was examined as PW.2. Ex.A-5 - discharge summary would show that the appellant was admitted twice in C.M.C. Hospital, Vellore, in the first instance on 11.12.1998 and second time on 16.01.1999 and took treatment as inpatient for the injuries he received in the road accident. Thus, it is clear that the appellant not only got treated in Government Hospital, Palamaner, initially, but also got treated in C.M.C. Hospital, Vellore, since he sustained grievous injury to the face and was facing some difficulty in audibility, so far as the right ear is concerned.

5. Thus, when, kept in view, the above circumstances, the amount of Rs.10,000/- granted towards grievous injury is on lower side and, therefore, enhanced to Rs.25,000/-, including pain and suffering. The amount of Rs.1,000/- granted to each of the simple injuries is enhanced to Rs.3,000/- each, thus, making a total of Rs.9,000/- for three simple injuries, as against Rs.3,000/- granted by the Tribunal. The medical expenses of Rs.19,200/- granted by the

Tribunal basing on Exs.A-8 to A-10 is maintained. The amount of Rs.1,600/- granted towards attendant charges is also maintained. Towards temporary loss of earnings, the Tribunal has granted Rs.3,000/-, at the rate of Rs.1,500/- per month for two months. Since, atleast, four months would have required by the appellant to recover from the injuries and to pursue his normal activities, the same is enhanced to Rs.6,000/-, as against Rs.3,000/- granted by the Tribunal. The amount of Rs.1,000/- granted towards transport charges is enhanced to Rs.2,000/-. Towards miscellaneous expenses and extra nourishment, the Tribunal has granted Rs.1,200/-, which, by any standard, is on lower side. Therefore, towards extra nourishment, a sum of Rs.5,000/- is granted. Towards miscellaneous expenses, a sum of Rs.2,000/- is granted. Thus, the appellant is totally entitled to Rs.69,800/-.

6. The Tribunal has granted interest at 9% per annum. The same is maintained on the amount of Rs.39,000/- granted by the Tribunal. On the enhanced amount, interest at the rate of 7.5% per annum is granted, in view of the decision of the Honourable Supreme Court in **Rajesh and others v. Rajbir Singh and others**¹.

7. Accordingly, the appeal is allowed in part enhancing the compensation from Rs.39,000/- to Rs.69,800/- with interest at 9% per

¹ (2013) 9 SCC 54

annum on the amount of Rs.39,000/- granted by the Tribunal and at 7.5% per annum on the enhanced amount.

8. Miscellaneous Petitions, if any, pending in this appeal, shall stand closed. There shall be no order as to costs.

A. SHANKAR NARAYANA, J

September 01, 2016.
MD

