

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

M.A.C.M.A No.884 OF 2016

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JUDGMENT:

The injured claimant filed M.V.O.P. No.6 of 2007 on the file of Motor Accidents Claims Tribunal – cum VIII Additional District Judge, Tirupati, (for short ‘the Tribunal’) under Section 166 of Motor Vehicle Act, 1988 (for short ‘M.V Act’) for compensation of Rs.2,00,000/- with interest at 18% per annum against respondents viz., owner and insurer of motor cycle bearing No.AP 03 K 5968 for the injuries sustained in the motor accident dated 11.06.2004 and the Tribunal passed an award on 22.03.2011 holding that the accident was the result of rash and negligent driving of the driver of motor cycle and granted quantum only Rs.62,643/- with interest at 6% per annum fixing joint liability against respondents 1 and 2. Impugning the same, the injured claimant maintained the present appeal, as the quantum of compensation is utterly low.

2) The M.A.C.M.A. M.P. No.3736 of 2011 is filed to condone the delay of 12 days in filing the appeal, is condoned, subject to condition that the claimant is not entitled to interest on the enhanced compensation but from today.

3) It is the contention of the learned counsel for appellant—claimant that the quantum and rate of interest awarded by the Tribunal is utterly low, hence to enhance.

4) Whereas it is the contention of the learned standing counsel for insurer that as per Apex Court’s expression in ***Sarla Verma vs Delhi Transport Corporation***^[1], the rate of interest is at 6% per annum, thereby there is nothing to interfere while sitting in appeal and the quantum of compensation awarded is also no way requires interference, hence to dismiss the appeal.

5) Heard learned counsel for appellant—claimant and learned standing counsel for insurer. The Respondent No.1—owner of the vehicle

remained ex parte before the Tribunal and even impleaded in this appeal dismissed for default, is no way fatal to the maintainability of the appeal vide ***Meka Chakradhara Rao vs Yelubandi Babu Rao***^[2] and the same is recorded. Perused the material on record.

6) Coming to the quantum of compensation, the evidence of PW.2—Dr.Ranganatham Jyothi of Vijaya Hospital, Chennai, who treated the injured, shows that the petitioner sustained haemorrhagic contusion right temporo-parietal region/ right zygomatic arch fracture, which is grievous injury, and period of treatment undergone for more than 14 days in Vijaya Hospital, Chennai, where he treated initially, Exs.A6 & A7—medical bills show that the injured claimant incurred Rs.83,846.36 ps., so far as the nature of injury is concerned, the place of accident and the journey therefrom to Chennai, for the period of treatment during in patient from admission to discharge and also transport charges required to be met, besides loss of earnings, extra nourishment and attendant charges, it is just to enhance the compensation from Rs.62,643/- to Rs.80,000/-.

7) So far as the rate of interest is concerned, the Tribunal awarded interest at 6% per annum, which is too low, as per the settled expression of the Apex Court in ***TN Transport Vs. Raja Priya***^[3] and ***Rajesh Vs. Rajbir Singh***^[4], wherein the Apex Court was granted interest at 7.5% per annum, which is just to award.

8) Accordingly and in the result, the appeal is partly allowed by enhancing the compensation from Rs.62,643/- (Rupees sixty two thousand six hundred forty three only) to Rs.80,000/- (Rupees eighty thousand only) and the rate of interest is enhanced from 6% per annum to 7.5% per annum from the date of claim petition till realization. However, the injured claimant is not entitled to interest on the enhanced amount but from today. The respondent Nos.1 and 2 are directed to deposit the compensation with interest within one month from today with notice, failing which the claimant can execute and recover. On deposit or execution and recover, the claimant

is permitted to withdraw the same. There is no order as to costs.

9) Miscellaneous petitions, pending if any in this appeal shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.11.02.2016
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HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

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M.A.C.M.A. No.846 OF 2016

Date:11.02.2016

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[\[1\]](#) 2009 ACJ 1298
[\[2\]](#) 2001 (1) ALT 495 DB
[\[3\]](#) 2005 (6) SCC 236
[\[4\]](#) 2013 ACJ 1403