

HON'BLE SRI JUSTICE G. SHYAM PRASAD

M.A.C.M.A. No. 2075 OF 2006

JUDGMENT:

1. This Appeal is arising out of the order, dated 22.06.2005, in O.P. No.708 of 2003 on the file of the Chairman, Motor Vehicle Accident Claims Tribunal-cum-II Additional District Judge (Fast Track Court) at Adilabad (for short, 'the Tribunal').

2. Appellant herein is the petitioner-injured in a motor vehicle accident. He filed O.P. No.708 of 2003 claiming compensation of Rs.75,000/- for the injuries sustained by him. The Tribunal awarded compensation of Rs.18,000/- on all counts.

3. The appellant, being aggrieved by the quantum of compensation, preferred this Appeal for enhancement of compensation.

4. Heard Mr. S. Surender Reddy, learned counsel for the appellant, and Ms. K. Savya, learned counsel, representing Mr. K. Laxmi Prasad, learned standing counsel for the 2nd respondent-insurance company.

5. The point for consideration in this matter is whether the appellant is entitled for enhancement of compensation?

6. Learned counsel for the appellant submits that the Tribunal has awarded a meager amount of compensation for the injuries sustained by the appellant, though the Tribunal came to the conclusion that the appellant suffered five simple injuries in the

accident, only awarded an amount of Rs.10,000/- for the injuries, Rs.3,000/- towards medical expenses, Rs.3,000/- towards nourishment and Rs.2,000/- towards transportation. Therefore, requested for enhancement of compensation under the head of injuries and all other heads. It is also submitted that the Tribunal has not awarded any compensation under the heads of pain and suffering, loss of earnings and attendant charges.

7. Learned counsel appearing for the 2nd respondent-insurance company contends that the Tribunal has properly appreciated the evidence on record with regard to the nature of injuries received and granted adequate compensation, which does not require any interference by this Court.

8. On consideration of the evidence on record, it is obvious that the Tribunal has awarded only Rs.10,000/- towards five simple injuries and did not award any amount towards loss of earnings, attendant charges and pain and suffering. The amount of compensation awarded under the heads of extra nourishment and attendant charges is also on lower side. Therefore, this Court feels it appropriate to enhance the amount of compensation awarded by the Tribunal. The following is the tabular form showing the amount of compensation awarded by the Tribunal and enhanced by this Court, if any, under the relevant heads:

S.No.	Name of Head	Awarded by Tribunal	Awarded by this Court
01.	Five simple injuries	Rs.10,000/-	Rs.25,000/-
02.	Medical expenses	Rs.3,000/-	Rs.3,000/-
03.	Extra nourishment	Rs.3,000/-	Rs.10,000/-
04.	Transportation	Rs.2,000	Rs.5,000/-

05.	Loss of earnings and attendant charges	---	Rs.10,000/-
TOTAL		Rs.18,000/-	Rs.53,000/-

9. In the result, the Appeal is partly allowed enhancing the amount of compensation awarded by the Tribunal from Rs.18,000/- to Rs.53,000/-. The amount of compensation awarded by the Tribunal carries the interest at the rate of 9%p.a. and the enhanced amount of compensation carries the interest at the rate of 7.5% p.a., both from the date of petition till realization. The 2nd respondent is directed to deposit the entire amount within two months from the date of receipt of a copy of this judgment. On such deposit, the appellant is permitted to withdraw half of the amount and the remaining amount shall be withdrawn after expiry of appeal time.

10. As a sequel, miscellaneous petitions, pending if any, shall stand closed as infructuous. No order as to costs.

G. SHYAM PRASAD, J

Date: 03.01.2017.
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