

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

M.A.C.M.A.No.366 OF 2014

JUDGMENT:

The present appeal is preferred under Section 173 of the Motor Vehicles Act, 1988, requesting to grant balance amount, as the amount of Rs.73,000/- awarded by the learned Chairman, Motor Accidents Claims Tribunal-cum-III Additional Chief Judge, City Civil Court, Hyderabad, by his order, dated 01.06.2010 as compensation was not just and adequate, as the claim itself was for Rs.2,00,000/- for the injuries sustained by the appellant in a road accident.

2. What all could be found from the order under challenge is that on issue No.1, the Tribunal recorded a finding that due to rash and negligent driving of the driver of RTC bus, the accident has occurred. On issue No.2, the Tribunal found from the evidence of P.Ws.1 and 2, P.W.2 being the Doctor, that P.W.1 sustained an abrasion of 2 x 1 cm. over right shoulder, laceration of 10 x 5 x 3 cm. over the anteriomedial aspect of right lower thigh and X-ray reveals fracture of right femur and thus, keeping in view, the gravity of injuries and the pain and suffering, a sum of Rs.70,000/- was awarded to the fracture injury and Rs.3,000/- to the simple injury, making a total of Rs.73,000/- with interest at the rate of 6% per annum from the date of petition till realization.

3. Heard Sri T.Viswarupachari, learned counsel for the appellant so also Sri N.Vasudeva Reddy, learned Standing Counsel for APSRTC.

4. As can be seen from the order under challenge, there is only one fracture that being fracture of right femur, as per the evidence of P.W.1. Therefore, the amount of Rs.70,000/- granted towards fracture, including pain and suffering, is reasonable. So also, the amount of Rs.3,000/- granted towards simple injury is reasonable. However, since no amounts were distinctly granted towards extra-nourishment, transportation charges and attendant charges, a sum of Rs.5,000/- towards extra-nourishment and Rs.5,000/- towards transport and attendant charges, are granted. Thus, the amount of Rs.73,000/- granted by the Tribunal is enhanced to Rs.83,000/-. The rate of interest at 6% per annum awarded by the Tribunal is on lower side and it ought to be 7.5% per annum. Accordingly, the interest is enhanced from 6% to 7.5% per annum on the entire amount of Rs.83,000/- from the date of petition till realization.

5. Learned Standing Counsel for APSRTC would submit that the Corporation has preferred an appeal challenging the very same order and decree, but it is at S.R stage. In fact, when a positive finding has been recorded by the Tribunal attributing rash and negligent driving to the RTC bus, which finding cannot be construed as perverse, no interference is warranted.

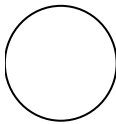
6. Accordingly, the present appeal is partly allowed. Miscellaneous petitions, if any, pending in this appeal shall stand closed. There shall be no order as to costs.

A. SHANKAR NARAYANA, J

October 20, 2017.
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