

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

Civil Miscellaneous Appeal No.2859 OF 2004

JUDGMENT:

For the injuries sustained by the petitioner in a road accident, more particularly, the fracture to his right forearm, which was treated in NIMS Hospital, the Chairman, Motor Vehicle Accidents Claims Tribunal–cum- I-Additional District Judge, Rangareddy District at L.B. Nagar, Hyderabad, awarded a sum of Rs.50,000/- towards compensation as against the claim of Rs.1,00,000/- laid under Section 166 of the Motor Vehicles Act, 1988 (for short, ‘the Act’).

2. Precisely to say, the learned Chairman granted Rs.20,000/- having found that the petitioner as in-patient for 17 days in two spells i.e., for 12 days and 5 days respectively, and Rs.30,000/- towards medical expenses based on the bills issued by NIMS Hospital.

3. Heard Sri Pottigari Sridhar Reddy, learned counsel for the appellant and Sri N. Mohan Krishna, learned Standing Counsel for the 2nd respondent. So far as the 1st respondent is concerned, appeal was dismissed on 8.2.2016, but the said dismissal is of no consequence in view of the decision of a Division Bench of this Court in **Meka Chakra Rao v. Yelubandi Babu Rao @ Reddemma and others**¹.

4. It is true, the Tribunal has not granted any amount towards pain and suffering and other heads. The Tribunal awarded a sum of

¹ 2001(1) ALT 495 (D.B.)

Rs.20,000/- towards the injury sustained by the claimant, but no amount is granted towards pain and suffering. In such an event, the petitioner is entitled to Rs.10,000/- towards pain and suffering; Rs.5,000/- towards extra nourishment; and Rs.2,000/- towards transportation charges keeping in view that he had undergone surgical intervention having been treated as in-patient on two occasions as referred to in the above. So far as the amount of Rs.30,000/- awarded towards reimbursement of medical expenses is covered, the same is maintained.

5. In the result, the Appeal is partly allowed by enhancing the compensation from Rs.50,000/- (Rupees Fifty thousand only) to Rs.67,000/- (Rupees Sixty Seven thousand only) against the respondents 1 and 2 with joint and several liability. The rate of interest at 9% p.a. granted by the tribunal on Rs.50,000/- is maintained and the enhanced amount of Rs.17,000/- will carry interest at the rate of 7.5% p.a. from the date of claim petition till realization. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Civil Miscellaneous Appeal shall stand closed.

A. SHANKAR NARAYANA, J

Dt. 11.09.2017
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