

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

M.A.C.M.A.No.1025 of 2006

JUDGMENT:

This appeal is arising out of the decree and judgment, dated 27.01.2006 passed in O.P.No.2196 of 2002 by the IV Additional Metropolitan Sessions Judge, Hyderabad-cum-XVIII Additional Chief Judge, Hyderabad.

The appellant is the petitioner, who filed O.P.No.2196 of 2002 under Section 166 of Motor Vehicles Act, 1988 claiming compensation of Rs.1,50,000/- against respondent Nos.1 and 2, the owner and insurer of the crime vehicle involved in the accident. The Tribunal on consideration of their evidence awarded compensation of Rs.41,000/- with proportionate costs and interest at 7.5% per annum. The claimant having dissatisfied with the award preferred this appeal for enhancement of compensation.

Heard learned counsel for the appellant and respondents.

Learned counsel for the appellant submitted that the compensation awarded by the Tribunal is inadequate. The appellant is now aged about 60 years and he is an agriculturist and he is still unable to attend his agricultural operations for the injuries sustained by him and therefore, sought for enhancement of compensation.

Learned counsel for the respondents opposed for enhancement of compensation.

The testimony of PW2 clearly reveals that the appellant had suffered two fractures. There was mal united fracture of both bones right leg with half inch shortening and mild restriction of ankle movements. There is mal united fracture of both bones of

right fore arm with restriction of pronation and supination. P.W.2 has also assessed the disability as 35% which is partial and permanent. But, however, the Tribunal has not taken into consideration the disabilities suffered by the petitioner as the certificate was not issued by the medical board of O.G.H.

On consideration of the nature of the injuries suffered by the petitioner, nature of medical evidence let in and occupation of the petitioner, the compensation is enhanced as shown in the following tabular form:

S.No.	Name of Head	Compensation awarded by the Tribunal	Compensation enhanced
1.	Pain and suffering	Rs.10,000/-	Rs.20,000/-
2.	Two fractures	Rs.20,000/-	Rs.50,000/-
3.	Medical and incidental expenses	Rs. 5,000/-	Rs.10,000/-
4.	Loss of income for two months	Rs. 6,000/-	Rs. 6,000/-
	Total	Rs.41,000/-	Rs.86,000/-

In the result, the appeal is partly allowed modifying the compensation awarded by the Tribunal from Rs.41,000/- to Rs.86,000/- with proportionate costs and interest at the rate of 7.5% per annum from the date of petition till the date of realisation. The respondent No.2 is directed to deposit the amount within one month from the date of receipt of a copy of this order. On such deposit, the appellant is directed to withdraw the entire amount. No costs.

Miscellaneous petitions, if any pending, shall stand closed.

GUDISEVA SHYAM PRASAD, J

Date : 24.10.2017
ssp