

THE HON'BLE MS. JUSTICE J. UMA DEVI

MACMA NO. 1542 OF 2005

JUDGMENT:

Heard on both sides.

The order dated 14.10.2004 passed by the Chairman, Motor Accidents Claims Tribunal-cum-V-Addl. District Judge, Guntur in M.V.O.P.No. 717 of 2002 is assailed by the claimant in the above mentioned OP, having felt that he has not adequately been compensated in respect of the injuries sustained by him in a road accident, dated 12th May, 2002.

The facts which led to filing of the present appeal are briefly stated as under,

On 12.5.2002 at about 11.00 A.M. while the claimant (appellant herein) was standing at the bus stop of Chintaguntla village, Markapuram Mandal, Guntur district, a Mini Van bearing No. AP 7 U 5828 came from Kambam side in a rash and negligent manner without blowing horn and gave a hit to him and as a result of which, he fell down and sustained fracture injury to left leg and other multiple injuries all over the body. Soon after the accident he was admitted in Government Hospital, Guntur where he obtained treatment.

The appellant's main contention is that the Tribunal, without taking into consideration of the disability which he attained on account of the fracture to left leg in proof of which he examined the Medial Officer-Dr. S.S.V. Ramana as P.W.2, had awarded meager compensation of Rs.42,000/-. The Tribunal, while computing the compensation, had taken

the income of the claimant notionally at Rs.15,000/- per annum instead of Rs.100/- per day. In the case of a house wife the Apex Court (*Latha Wadhwa Vs. State of Bihar*)¹ had taken the income at Rs.100/- per day and Rs.3,000/- per month. The claimant was aged about 19 years by the date of the accident and he was a labourer. Even if his income is taken at Rs.75/- per day, the loss of income with the disability of 15%, and by applying multiplier of 18, comes to Rs.72,900/-.

The compensation amount of Rs.5,500/- awarded by the Tribunal towards pain and suffering, in the opinion of this Court, is also not reasonable. Therefore, the same is enhanced to Rs.10,000/- under the head of pain and suffering. It appears that the Tribunal has awarded only amount of Rs.500/- under the head of medical expenditure. The same in my view is not reasonable. Accordingly the same is enhanced to Rs.2,500/-. Since there is loss of enjoyment of life and future prospects due to disability of 15%, this Court is of the view that awarding of a sum of Rs.15,000/- under the head of loss of enjoyment of life and future prospects is just and reasonable. Accordingly this Court hereby awards a total compensation of Rs.1,00,000/- (Rupees One Lakh only) as against Rs.42,000/- by the Tribunal.

In the result, the appeal is allowed enhancing the compensation amount from Rs.42,000/- awarded by the Tribunal to Rs.1,00,000/- (Rupees One Lakh only). The enhanced compensation carries interest @ 7.5% per annum from the date of filing of claim petition till the date of realization. The respondents 1 and 2 are jointly and severally liable to pay

¹ 2001 ACJ 1735

the enhanced compensation amount together with interest @7.5% PA to the claimant/appellant.

Miscellaneous applications, if any pending, shall stand closed.

There shall be no order as to costs.

JUSTICE J. UMA DEVI

Dt.24.3.2017
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