

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

C.M.A.No.4043 OF 2004

JUDGMENT:

In the claim made by the appellant, as petitioner, in O.P.No.977 of 2001 on the file of Chairman, Motor Accidents Claims Tribunal – cum – IV Additional District Judge (Fast Track Court), Nalgonda, for grant of Rs.30,000/- for the injuries, which are one simple and one grievous, sustained by him in a road accident, the Tribunal, by order and decree, dated 18.08.2004, has awarded Rs.20,000/- with interest at 9% per annum. For the balance amount, the present appeal is filed under Section 173 of the Motor Vehicles Act, 1988, on the ground that the amount of Rs.20,000/- granted by the Tribunal towards compensation was inadequate, keeping in view, the injuries sustained by the appellant.

2. Heard Sri P. Lakshmi, learned counsel for the appellant, and Sri G. Visweswara Reddy, learned counsel for respondent No.2.

3. So far as respondent No.1 – owner of the offending vehicle is concerned, he remained *ex parte* before the Tribunal and suffered decree, and the present appeal was dismissed for default against him. However, dismissal of the appeal for default against him is of no consequence to decide the quantum of compensation, 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. Turning to whether awarding of Rs.20,000/- is adequate or otherwise, when, kept in view, that the appellant sustained one grievous injury and was treated as inpatient in Government Hospital, Nakrekal, certainly, awarding the amount of Rs.30,000/- as claimed would be just and adequate compensation.

5. Therefore, the present appeal is allowed awarding Rs.30,000/- as compensation, as claimed by the appellant. The rate of interest awarded by the Tribunal at 9% per annum is maintained on the original amount of Rs.20,000/- awarded by the Tribunal and on the enhanced amount of Rs.10,000/-, the appellant is entitled to interest at 7.5% per annum, as per the decision of the Honourable Apex Court in **Rajesh and others v. Rajbir Singh and others**².

6. Miscellaneous Petitions, if any, pending in this appeal shall stand closed. There shall be no order as to costs.

A. SHANKAR NARAYANA, J

August 02, 2017.
MD

¹ 2001 (1) ALT 495 (D.B.)

² (2013) 9 SCC 54