

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

M.A.C.M.A. No.208 of 2006

JUDGMENT :

This Civil Miscellaneous Appeal, under Section 173 of the Motor Vehicles Act, 1988 (for brevity "the Act"), is preferred by the appellant-claimant seeking enhancement of compensation, challenging the order and decree dated 29.10.2004 in M.V.O.P.No.211 of 2001 passed by the II Additional District and Sessions Judge (FTC), Medak at Sangareddy (for brevity "the Tribunal").

2. Heard Sri C.V. Bhaskara Reddy, learned counsel for the appellant-claimant, as well as Sri N. Vasudeva Reddy, learned Standing Counsel for the respondent – APSRTC. Perused the order under challenge and also the evidence on record.

3. The appellant is the injured in a motor vehicle accident that occurred on 19.02.2001 in the Shivar of Marepally Village. He filed the above claim petition under Section 166 of the Act claiming compensation of Rs.1,00,000/- against the respondent – A.P. State Road Transport Corporation (APSRTC) on account of the injuries sustained by him in the said accident. On consideration of the evidence and the material on record, the Tribunal awarded a compensation of Rs.25,000/-.

4. A perusal of the record shows that the appellant has suffered one grievous injury to his head and two simple injuries on his legs and hands. The Tribunal has awarded Rs.15,000/- towards the fracture injury caused to the head and Rs.6,000/- for two simple injuries sustained by the appellant. Apart from the same, an amount of Rs.2,000/- was awarded towards pain and suffering and Rs.2,000/- towards medical expenses. In total, the Tribunal awarded a compensation of Rs.25,000/- as against the claim of Rs.1,00,000/- on account of the injuries sustained by the appellant.

5. It is the contention of the learned counsel for appellant that though the appellant has suffered disability, the Tribunal has not considered the said aspect in awarding compensation.

6. On the other hand, learned Standing Counsel for the respondent – APSRTC contends that the evidence of P.W.2 – Dr. M. Vivek Sagar, Medical Officer, does not disclose that the appellant has suffered any disability and that the compensation awarded by the Tribunal is just and adequate.

7. The learned Standing Counsel further submitted that the Tribunal has already awarded compensation towards the injuries and, therefore, awarding of compensation towards

pain and suffering does not arise. As far as this contention is concerned, it is to be seen that the Tribunal has awarded compensation for the injuries and also for pain and suffering. No doubt, both the heads are different and usually the Courts are granting compensation under these two heads separately. Therefore, taking into consideration the medical record of the petitioner, the compensation of Rs.2,000/- awarded towards pain and suffering is enhanced to Rs.10,000/-.

8. It is pertinent to note that the Tribunal has awarded Rs.15,000/- towards the fracture injury suffered by the appellant to his head. By the date of accident, the appellant was aged about 25 years and he was a labourer by profession. Though learned counsel for appellant argued that due to the grievous injury suffered by the appellant to his head, he is still suffering and unable to attend his regular work as a labourer, no documentary evidence is produced before this Court in support of the said contention.

9. Therefore, by considering the nature of the injuries suffered and the treatment and also taking into consideration the trauma undergone by the appellant, the compensation awarded by the Tribunal under various heads is enhanced as mentioned below:

Compensation towards	Amount awarded by the Tribunal Rs.	Amount awarded by this Court Rs.
1. Grievous injury to head	15,000.00	25,000.00
2. Two simple injuries	6,000.00	10,000.00
3. Pain and suffering	2,000.00	10,000.00
4. Medical expenses	2,000.00	2,000.00
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TOTAL :	25,000.00	47,000.00
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10. In the result, the Civil Miscellaneous Appeal is allowed in part, enhancing the amount of compensation from Rs.25,000/- to Rs.47,000/- (Rupees forty seven thousand only) with proportionate costs. The rate of interest awarded by the Tribunal @ 9% per annum on Rs.25,000/- from the date of petition till realization shall hold good. However, on the enhanced amount, the rate of interest is awarded @ 7.5% per annum from the date of petition till realization. The respondents are directed to deposit the compensation amount within two months from the date of receipt of a copy of this judgment. No order as to costs.

11. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

GUDISEVA SHYAM PRASAD, J

23.10.2017.
Msr

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