

THE HON'BLE DR JUSTICE SHAMEEM AKTHER

M.A.C.M.A.NO.1352 AND 1437 OF 2005

COMMON JUDGMENT:

Heard the counsel for both sides.

The parties herein are referred to as they were arrayed before the Tribunal.

The Tribunal has granted compensation of Rs.11,32,000/- with interest at 9% per annum for the injuries suffered by the petitioner in a motor vehicle accident against the claim of Rs.18,00,000/-.

There is ample evidence to believe that the petitioner has suffered grievous and other injuries as determined by the Tribunal. There is also record to show that the vehicle was validly insured with the respondent-insurer.

The learned counsel appearing for the respondent-insurer submits that the petitioner was a railway employee; he is entitled for medical reimbursement and therefore, the Tribunal erred in granting medical expenses in favour of the petitioner. It is also contended that the rate of interest awarded by the Tribunal is 9% per annum and this Court is consistently granting interest at 7.5% per annum in all motor accident cases and ultimately, prayed to allow the appeal filed by the respondent-insurer vide MACMA.No.1437 of 2005.

On perusal of the impugned award passed by the Tribunal in this case, the Tribunal has granted Rs.11,32,000/- towards 75% disability suffered by the claimant. No medical expenses were granted in the impugned award. Therefore, the contention raised by the learned counsel for the insurer is unsustainable.

As per the material placed on record, the Tribunal has granted compensation of Rs.11,32,000/- with interest at 9% per annum from the date of filing of O.P. till realisation. Admittedly, this Court is granting interest at 7.5% per annum in motor accident cases. It is contended on behalf of the petitioner-injured that the petitioner-injured studied M.Sc., M.A. (Literature), P.G. Diploma in Journalism and Hindi Praveena and he joined as Raja Basha Assistant Grade III employee in Railways and due to the injuries, he suffered amputation of right hand up to shoulder level and as such his promotion chances were affected and MACMA.No.1352 of 2005 is filed to enhance the compensation.

As it is contended by the counsel for the petitioner that the promotion chances were affected due to amputation of right hand up to shoulder, it is not appropriate to reduce the rate of interest from 9% per annum to 7.5% per annum. Both the appeals lack merits. The impugned order passed by the Tribunal in M.V.O.P.No.596 of 2003 on the file of the Motor Accidents Claims Tribunal-cum-II Additional District Judge, Vijayawada is confirmed. Both the appeals are dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.

(DR. SHAMEEM AKTHER, J)

18th August 2017
RRB