

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2193 OF 2005

JUDGMENT:

This appeal is filed under Section 173 of the Motor Vehicles Act, 1988 (for short, 'the Act'), by the appellant-claimant aggrieved by the order dated 20.06.2005 in M.V.O.P.No.833 of 2001 on the file of the Motor Accident Claims Tribunal-cum-II Additional District Judge, East Godavari, Rajahmundry (for short 'the Tribunal').

2. Heard the learned Standing Counsel for the respondent-Insurance Company and perused the record.

3. Though the matter is posted 'for orders', there is no representation for the appellant-claimant. The claim against respondent No.1 was dismissed for default on 05.01.2012. This appeal is of the year 2005. It underwent several adjournments. Hence, this appeal can be disposed of on merits basing on the material available on record.

3. Learned Standing Counsel for the respondent-Insurance Company would contend that the Tribunal justified in granting the compensation of Rs.8,000/- with interest for the injuries suffered by the appellant in a motor accident. There are no circumstances to enhance the compensation and ultimately prayed to dismiss the appeal.

4. As seen from the grounds of appeal, this appeal is filed contending that the finding of the Tribunal is contrary to the facts and law. The Tribunal granted only a compensation of Rs.8,000/- for the

fracture injury. There is also wound certificate to show the fracture injury and prayed to enhance the compensation.

5. Under these circumstances, the point that arises for determination is, whether the appellant-claimant is entitled for enhancement of compensation?

6. As per the evidence on record, the appellant-claimant suffered injuries due to the rash and negligent driving of the driver of Bajaj Chetak scooter bearing No.AP 5 N 9818. Rider of the scooter was prosecuted for the offences punishable under Sections 338 and 201 IPC. There is also evidence to show that the appellant suffered fracture to his left leg. In view of the same, granting compensation of Rs.8,000/- by the Tribunal is on lower side and the same is enhanced to Rs.15,000/- under all heads.

7. In the result, the appeal is partly allowed modifying the order, dated 20.06.2005, passed by the Tribunal in M.V.O.P.No.833 of 2001 enhancing the compensation from Rs.8,000/- to Rs.15,000/- with interest @ 7.5% per annum on the enhanced compensation from the date of petition till the date of deposit. On such deposit, the appellant is permitted to withdraw the entire amount along with interest accrued thereon.

The Miscellaneous Petitions, if any, pending shall stand closed.  
No costs.

Dr. SHAMEEM AKTHER, J

Date: 16.08.2018  
ssp