

**THE HON'BLE DR.JUSTICE SHAMEEM AKTHER**

**C.M.A.No.3477 OF 2004**

**JUDGMENT:**

This appeal, under Section 173 of the Motor Vehicles Act, 1988, is filed by the appellant/claimant aggrieved by the grant of compensation of Rs.35,000/- as against a claim of Rs.1,00,000/-, by the Chairman, Motor Accident Claims Tribunal – cum – V Additional District Judge (Fast Track Court), Ranga Reddy District (for short, “the Tribunal”) in O.P.No.52 of 2000, which was disposed of along with other O.Ps. *vide* common order, dated 17.02.2004.

2. Heard the submissions of the learned counsel appearing for the appellant/claimant and the learned Standing Counsel for the United India Insurance Company Limited appearing for respondent No.2, and perused the record.

3. Learned counsel for the appellant/claimant would contend that the claimant suffered both simple as well as grievous injuries, but the Tribunal awarded a compensation of Rs.35,000/- as against a claim of Rs.1,00,000/-, which is meagre, and ultimately, prayed to enhance the compensation and allow the appeal as prayed for.

4. On the other hand, learned Standing Counsel for the United India Insurance Company Limited appearing for respondent No.2 would contend that the Tribunal had taken all the factors into consideration and rightly assessed the compensation at Rs.35,000/-, which is just and reasonable; that there are no

circumstances to interfere with the same and ultimately, prayed to dismiss the appeal.

5. In view of the submissions made by both the counsel, the short point that falls for determination is:

***“Whether the appellant/claimant is entitled for enhancement of compensation?”***

6. **POINT:-** As per Ex.A-9 – discharge card, the claimant was admitted in Osmania General Hospital on 27.12.1999 and discharged on 06.01.2000. He was diagnosed for compound fracture shaft to 2<sup>nd</sup>, 4<sup>th</sup> and 5<sup>th</sup> Metatarsals. Ex.A-10 – Medico Legal Record shows that there is a deep laceration with loss of skin measuring 7 x 5 cms. over anterior aspect of left leg and loss of skin about 9 x 5 cms. over medial aspect of left medial knee and deep laceration of 6 x 4 cms. over dorsum of right foot and laceration measuring 4 x 2 cms. over anterior aspect of right knee and abrasion measuring 7 x 4 cms. left palm. The above injuries are stated to be simple in nature. Exs.A-9 and A-10 show that the claimant sustained a compound fracture apart from four simple injuries. Ex.A-11 comprised of medical bills (15 in number) totalling about Rs.3,600/-. From Ex.A-11, it is evident that the claimant spent Rs.3,600/- towards medicines. Taking the total factors into consideration, the Tribunal granted a compensation of Rs.35,000/- in lump sum. The Tribunal did not grant compensation on different heads. It could have granted compensation on separate heads. So, as there is one grievous injury and four simple injuries, as indicated above, the claimant is entitled for a compensation of Rs.30,000/- for grievous and simple

injuries, Rs.10,000/- for pain and suffering, Rs.3,600/- towards medical expenses and Rs.6,400/- towards loss of earnings, extra nourishment and incidental charges. In all, the claimant is entitled for a sum of Rs.50,000/- (Rupees fifty thousand only) (i.e., Rs.30,000/- + Rs.10,000/- + Rs.3,600/- + Rs.6,400/-). The Tribunal awarded interest at the rate of 9% per annum on the amount granted as compensation from the date of petition till realisation. As per the settled legal position, the appellant/claimant is entitled for interest at the rate of 7.5% per annum on the enhanced amount of compensation.

7. Accordingly, this appeal is allowed in part modifying the order, dated 17.02.2004, passed in O.P.No.52 of 2000 by the Tribunal, enhancing the compensation from Rs.35,000/- to Rs.50,000/-. The enhanced amount of compensation carries interest at the rate of 7.5% per annum from the date of petition till realisation. On deposit of the compensation, the appellant/claimant is permitted to withdraw the entire amount along with the accrued interest. There is no change in the other directions given by the Tribunal. There shall be no order as to costs.

8. Miscellaneous petitions pending, if any, in this appeal shall stand closed.

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**DR.JUSTICE SHAMEEM AKTHER**

Date : 24.07.2018  
AMD

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