

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

MACMA No.663 of 2018

JUDGMENT:

Heard Sri S.V. Ramana, learned Standing Counsel for the appellant – APSRTC (for short, 'the Corporation').

Aggrieved over the compensation of Rs.1,40,000/- awarded with interest at 6% per annum on 16.11.2017, in M.V.O.P.No.834 of 2016 on the file of the Chairman, Motor Accident Claims Tribunal-cum-VII Additional District Judge (Fast Track Court), Visakhapatnam (for short, 'the Tribunal'), the Corporation preferred the present appeal under Section 173 of the Motor Vehicles Act, 1988.

Though, the learned counsel for the appellant would submit that the compensation awarded under various heads, as stated in clauses (f) to (j) of the memorandum of grounds of the appeal, was excessive, it is unnecessary to refer to them again, including the facts that lead to taking place of the accident and also the negligence on the part of the driver of the Corporation, who is arrayed as respondent No.1 in the M.V.O.P. But, at the outset, it is to be observed that the amounts granted by the Tribunal under various heads cannot be construed as excessive or arbitrary.

A comprehensive view on examination of the order under challenge clearly indicates that just and fair compensation is awarded by the Tribunal. The amounts awarded by the Tribunal are as follows:

Towards pain and suffering - Rs.30,000/-

Towards fracture of Public Rami Bilateral - Rs.25,000/-

Towards fracture of 5th to 7th ribs on left side - Rs.15,000/-

Towards fracture of scalp - Rs.15,000/-

Towards fracture of right clavicle - Rs.10,000/-

Towards attendant charges, nutrition charges and transport charges - Rs.20,000/-

Towards temporary loss of earnings and temporary disability – Rs.25,000/-

Thus, a total sum of Rs.1,40,000/- is awarded as compensation and interest at 6% per annum is granted, with default clause to pay interest at 7.5% per annum, in case the Corporation fails to deposit the compensation amount within two months. The very fact that the interest is awarded at 6% per annum itself shows that a conservative approach has been adopted by the Tribunal. There is no merit in the present appeal.

Hence, the appeal is dismissed. No order as to costs.

Miscellaneous Petitions, if any, pending in the present appeal, stand closed.

A. SHANKAR NARAYANA, J

21.03.2018

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