

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3395 of 2005

JUDGMENT:

Aggrieved by the grant of compensation of Rs.5,800/- as against a claim of Rs.1,00,000/- by the Motor Accident Claims Tribunal-cum-III Additional District Judge (FTC), Adilabad at Asifabad ('the Tribunal' for brevity), vide order, dated 15.02.2005, passed in O.P.No.683 of 2001, the claimant preferred this appeal under Section 173 of the Motor Vehicles Act, 1988 ('the Act', for brevity) seeking enhancement of compensation.

2. Heard the learned counsel for both sides and perused the record.

3. The learned counsel for the appellant-claimant would contend that the appellant-claimant suffered one grievous and one simple injury to his ankle in the subject accident. The appellant-claimant was working as a cleaner of the jeep bearing registration No.AP-01-C-1787 as on the date of the accident and was earning Rs.2,000/- per month. The Tribunal granted a meagre compensation of Rs.5,800/- as against a total claim of Rs.1,00,000/- and ultimately prayed to enhance the compensation as claimed.

4. On the other hand, the learned Standing Counsel for RTC representing the sole respondent would contend that that the Tribunal justified in granting a compensation of Rs.5,800/- to the

appellant-claimant on different heads. There are no circumstances to enhance the compensation and ultimately prayed to dismiss the appeal by confirming the Order under Challenge.

5. It is not in dispute that the appellant-claimant suffered injuries in a motor accident occurred on 06.04.2001, due to rash and negligent driving of the driver of the RTC bus bearing registration No.AP-10-Z-9375. The only point that arises for consideration in this appeal is whether the appellant-claimant is entitled for enhancement of compensation as claimed.

6. As per Ex.A.2-Xerox copy of Medical Certificate, the appellant-claimant suffered one fracture to left ankle, which is grievous in nature and one deep lacerated injury to the same ankle, which is simple in nature. Considering the same, the Tribunal granted an amount of Rs.1,300/- towards loss of earnings, Rs.2,000/- towards medical expenses and extra-nourishment, Rs.500/- towards transportation expenses and Rs.2,000/- towards pain and suffering. In all, the Tribunal granted an amount of Rs.5,800/- as compensation with interest at the rate of 9% per annum from the date of petition till realisation.

7. The compensation granted by the Tribunal under the aforementioned heads is on lower side. The appellant-claimant was a young boy aged 19 years as on the date of accident. In view of the same, this Court deems it appropriate to grant a compensation of Rs.20,000/- to the appellant-claimant, as detailed below.

1.	Towards one grievous injury, one simple injury and pain and suffering	Rs.12,000/ -
2.	Towards Medical Expenses	Rs.2,000/ -
3.	Towards loss of earnings and transportation expenses	Rs.4,000/ -
4.	Towards disfiguration of leg etc.,	Rs.2,000/ -
TOTAL		Rs.20,000/ -

The Tribunal granted interest at the rate of 9% per annum from the date of application till realisation on the amount granted as compensation. This Court deems it appropriate to grant interest at the rate of 7.5% per annum on the enhanced amount of compensation from the date of petition till realisation.

8. Accordingly, this appeal is allowed in part, modifying the order, dated 15.02.2005, passed in O.P.No.683 of 2001 by the Tribunal, enhancing the compensation from Rs.5,800/- to Rs.20,000/-. 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 enhanced compensation, the appellant-claimant is permitted to withdraw the entire amount along with the interest accrued thereon. Other terms of the Order under challenge remain unaltered.

Miscellaneous Petitions pending, if any, shall stand closed.

There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

14th August, 2018
Bvv