

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2894 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 19.07.2005 in O.P.No.688 of 2002 on the file of the Motor Accident Claims Tribunal-cum-V Additional District Judge (Fast Track Court), Ranga Reddy District at L.B. Nagar, Hyderabad (for short 'the Tribunal').

2. Heard the learned counsel for appellant-claimant and the learned Standing Counsel for 2nd respondent-Insurance Company and perused the record. The appeal against 1st respondent was dismissed for default on 05.01.2012.

3. Learned counsel for the appellant-claimant would contend that though the appellant suffered injuries on head and legs, and lot of damage was caused to his scooter, the Tribunal granted meagre compensation of Rs.12,500/- with interest @ 9% per annum and ultimately, prayed to enhance the same.

4. On the other hand, learned counsel for the respondent-Insurance Company would contend that the Tribunal is justified in granting the compensation under different heads. There are no circumstances to enhance the compensation and ultimately, prayed to dismiss the appeal.

5. In view of the submissions made by both sides, the point that arises for determination is, whether the appellant is entitled for enhancement of compensation?

6. There is no dispute with regard to the injuries suffered by the appellant-claimant in a motor accident that occurred on

15.07.2002 due to the rash and negligent driving of the driver of auto bearing No.AP11V-4769 while he was riding scooter bearing registration No.ABB 6650. The only dispute is with regard to quantum of compensation.

7. As per the oral and documentary evidence, the appellant suffered two lacerated injuries i.e., on head and legs, and scooter was also damaged. The Tribunal granted total compensation of Rs.12,500/- under different heads. As the accident occurred in the year 2002, the Tribunal ought to have granted some more amount towards compensation for the injuries and the damages caused to the scooter. Hence, the appellant is entitled for a sum of Rs.5,000/- in addition to the above said compensation. In total, the appellant-claimant is entitled for a compensation of Rs.17,500/- (Rs.12,500/- + Rs.5,000/-) with interest @ 7.5% per annum on the enhanced compensation from the date of petition till the date of deposit.

8. In the result, the appeal is partly allowed modifying the order, dated 19.07.2005, passed by the Tribunal in O.P.No.688 of 2002 enhancing the compensation from Rs.12,500/- to Rs.17,500/- 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 same along with the interest accrued thereon.

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

Dr. SHAMEEM AKTHER, J

Date: 01.10.2018
ssp

