

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3321 of 2005

JUDGMENT:

Aggrieved by the grant of compensation of Rs.36,700/- as against a claim of Rs.2,50,000/-, vide order, dated 20.06.2005, passed in M.V.O.P.No.1874 of 2001 by the Motor Accident Claims Tribunal-cum-VII Additional District Judge (FTC), Nizamabad at Bodhan ('the Tribunal', for brevity), 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 two grievous injuries to his right leg and three simple injuries in the subject accident occurred on 31.10.2001. The Tribunal granted a meagre compensation of Rs.37,600/- as against a claim of Rs.2,50,000/-. The Tribunal did not grant any compensation towards extra-nourishment, transportation, attendant and other expenses and ultimately prayed to enhance the compensation as claimed.

4. On the other hand, the learned Standing Counsel for the 2nd respondent-Insurance Company would contend that the Tribunal had taken all the relevant factors into consideration and granted just and reasonable amount as compensation. 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 the subject accident occurred on 31.10.2001, due to rash and negligent driving of the driver of the jeep bearing registration No.AP-25-T-5747. The only point that arises for determination in this appeal is whether the appellant-claimant is entitled for enhancement of compensation as claimed.

6. The Tribunal, relying on the oral evidence of P.W.1, P.W.2 and the documentary evidence under Ex.A.3-Certified copy of Wound Certificate, Ex.A.4-Certified copy of Discharge Certificate, Ex.A.6-Receipt and Discharge Certificate of Amrutha Laxmi Multi Speciality Hospital, Nizamabad, Exs.A.7 to A.9-Discharge Certificates, Ex.A.10-Pateint final bill issued by Amrutha Laxmi Multi Speciality Hospital, Exs.A.11 to A.39-Medical bills, Ex.A.40 and A.41-X-Rays, Ex.A.42-Disability Certificate, Ex.A.43-X-ray and Ex.A.44-Case-sheet, granted an amount of Rs.3,000/- towards pain and suffering, Rs.20,000/- for two grievous injuries and Rs.13,700/- towards medical expenses. In all, the Tribunal granted a compensation of Rs.36,700/- with interest @ 9% per annum from the date of petition till realization. Grant of said compensation under the aforementioned heads is just and reasonable.

7. Admittedly, the Tribunal did not grant any compensation towards loss of earnings, extra-nourishment and attendant

charges. As per the evidence on record, the appellant-claimant was a Mason. Considering the same, this Court deems it appropriate to grant an amount of Rs.12,000/- towards loss of earnings @ Rs.2,000/- for six months. This Court also deems it appropriate to grant an amount of Rs.8,000/- towards extra-nourishment, transportation and attendant charges. In all, the appellant-claimant is entitled for a compensation of Rs.56,700/- as detailed below.

1.	Towards pain and suffering (as determined by the Tribunal)	Rs.3,000/ -
2.	Towards two grievous injuries (as determined by the Tribunal)	Rs.20,000/ -
3.	Towards Medical expenses (as determined by the Tribunal)	Rs.13,700/ -
4.	Towards Loss of earnings	Rs.12,000/ -
5.	Towards Extra-nourishment and attendant charges	Rs.8,000/ -
TOTAL		Rs.56,700/ -

8. Accordingly, this appeal is allowed in part, modifying the order, dated 20.06.2005, passed in M.V.O.P.No.1874 of 2001 by the Tribunal, enhancing the compensation from Rs.36,700/- to Rs.56,700/-. 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

27th August, 2018
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