

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

M.A.C.M.A. No. 191 of 2006

ORDER :

This appeal is filed by the appellant against the Judgment and decree dated 26.10.2005 in O.P.No.1325 of 2001, wherein the Motor Vehicles Claims Tribunal granted an amount of Rs.30,000/- towards compensation along with interest at the rate of 7.5% per annum from the date of application till the date of realization.

2. The facts that the occurrence of the accident, sustaining injuries by the appellant are not in dispute. The appellant, who is claimant before the Tribunal, filed this appeal for enhancement of compensation.

3. Heard learned counsel for the appellant, who submits that the claim of Rs.2,00,000/- itself is meagre and granting of compensation of Rs.30,000/- is on lower side. He submits that though the Tribunal has accepted the evidence of P.W.2 with regard to sustaining of injuries, granted meagre compensation towards fractures, costs of treatment and also towards pain and suffering and extra nourishment.

4. In this case, it is to be seen that basing on Ex.A3, injury certificate issued by P.W.2, the Tribunal granted an amount of Rs.10,000/- each for two fractures and Rs.5,000/- towards cost of treatment, Rs.2,000/- towards pain and suffering, Rs.2,000/- towards extra nourishment. Rs.1,000/- towards transportation charges.

5. In this case, it is to be seen that P.W.2, being the Doctor, who examined the appellant soon after the accident on 14.06.2001 and gave evidence with regard to injuries sustained by him. Since the appellant sustained two fractures, it might have taken at least two to three months to for getting cure. This Court is of the opinion that granting of Rs.10,000/- each towards fractures is on lower side and same can be enhanced to Rs.20,000/- each (Rs.40,000/-). As far as medical expenses are concerned, no documents are filed to show that the appellant has incurred any medical expenditure. Though no medical bills are produced, the Court below has granted Rs.5,000/- towards cost of treatment, that can be increased to Rs.10,000/-. Since the appellant has suffered two fractures, an amount of Rs.30,000/- can be granted towards pain and suffering instead of Rs.2,000/-. An amount of Rs.20,000/- can be granted towards extra nourishment instead of Rs.2,000/- granted by the Tribunal.

When the appellant failed to file any proof that he was earning an amount of Rs.5,000/- per month doing business simultaneously. But even if it is construed that he was working as a coolie, it can be taken that he was earning Rs.3,000/- per month and loss of earnings for three months, can be taken as Rs.9,000/-. In view of above facts, the appellant is entitled to the enhanced compensation as follows:

a) Fractures (2x Rs.20,000/-)	: Rs.40,000/-
b) Medical expenses	: Rs.10,000/-
c) Pain and suffering	: Rs.15,000/-
d) Extra nourishment	: Rs.20,000/-
e) Loss of earnings	: Rs. 9,000/-

Total	Rs. 94,000/-
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In the result, the appeal is allowed in part and the compensation granted by the Tribunal i.e., Rs.30,000/- is enhanced to Rs.94,000/- (Rupees ninety four thousand only) along with interest at the rate of 7.5% per annum on the enhanced amount, from the date of petition till the date of realization. No costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

22.02.2018.
KVS

A.RAJASHEKER REDDY, J

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY



M.A.C.M.A. No.191 OF 2006

Date: 22-02-2018

KVS



