

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

MACMA.No.797 of 2018

JUDGMENT:

Heard Sri B. Mayur Reddy, learned Standing Counsel for the appellants – Corporation.

2. The present appeal, under Section 173 of the Motor Vehicles Act, 1988 (for short, 'the Act'), is filed challenging the order and decree, dated 24.10.2017, in MVOP.No.843 of 2015 on the file of the Chairman, Motor Accidents Claims Tribunal (Principal District Judge), Khammam (for short, 'the Tribunal'), on the ground that the compensation granted is excessive and exorbitant.

3. In the aforesaid OP filed under Section 166 of the Act seeking compensation of Rs.5,00,000/- for the injuries sustained by the claimant, though, permanent disability is said to have suffered by the claimant, the Tribunal did not agree as to the permanent disability, but however, awarded Rs.3,44,276/- towards compensation with interest at 7.5% per annum.

4. As described by the Tribunal in paragraph '9' of the order under challenge, the injuries as per Ex.A4 and the evidence of PW.2, the doctor who treated the claimant, show that the claimant sustained fracture Grade III compound wound muscular, fracture shaft of left femur, fracture communitied left proximal tibia below knee and the treatment was given by PW.2 for the said injuries. The treatment given is also explained in the discharge summary – Ex.A4, which

details are unnecessary to refer to. The Tribunal, taking into account Ex.A8 - medical bills and Ex.A7 – cash receipts, the contents of which are proved through PW.2, granted a sum of Rs.2,14,276/- towards medical expenditure. Towards future medical expenditure, a sum of Rs.20,000/- was awarded additionally. These are the amounts which account for major chunk in the compensation awarded by the Tribunal. The other amounts awarded by the Tribunal are Rs.10,000/- towards miscellaneous expenditure and Rs.25,000/- towards loss of temporary earnings for five months @ Rs.5,000/- per month. The Tribunal also awarded Rs.75,000/- towards pain and suffering and loss of amenities, holding that the injury of fracture to tibia and femur of left leg sustained by the claimant definitely impacts his residual life and also the claimant being subjected to great pain and suffering. Thus, a total sum of Rs.3,44,276/- was awarded with interest at 7.5% per annum.

5. Though, the learned counsel for the appellants would contend that the compensation awarded was excessive, but when kept in view, the medical expenses, certainly, it cannot be considered as excessive, more particularly, in the light of evidence of PW.2, the medical evidence and surgical interventions undergone by the claimant, and even the rate of interest at 7.5% per annum is reasonable and the same cannot be viewed as excessive. There is no merit in the present appeal.

6. Accordingly, the instant appeal is dismissed, confirming the order and decree of the Tribunal. No order as to costs.

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

A. SHANKAR NARAYANA, J

04.04.2018

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