

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3653 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 07.06.2005 in O.P.No.691 of 2003 on the file of the Motor Accident Claims Tribunal-cum-Principal District Judge, Medak at Sangareddy (for short 'the Tribunal').

2. Heard the learned counsel for appellant-claimant and the learned counsel for the respondent-insurance company and perused the record.

3. Learned counsel for the appellant-claimant would contend that though the appellant suffered grievous and simple injuries, the Tribunal did not grant adequate compensation. Further, though there is a record to show the disability suffered by the appellant at 20%, no amount was granted on that count. The amount granted under different heads is also meagre and ultimately, prayed to enhance the compensation.

4. Learned counsel for the respondent-insurance company would contend that the Tribunal had granted compensation under all 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-claimant is entitled for enhancement of compensation?

6. There is no dispute with regard to the appellant suffering injuries in a motor accident that occurred on 11.10.2003 due to the rash and negligent driving of the driver of auto bearing No.AP-36/V-6036. The only dispute is with regard to the quantum of compensation.

7. The evidence of P.W.1-injured and the evidence P.W.2-doctor reveal that the appellant suffered fracture of left femur shaft and lateral condyle LT tibia. As per Ex.A4-medical certificate, the fracture of left femur shaft is grievous injury. P.W.2-doctor stated that the appellant suffered 20% disability. No disability certificate was filed. Having considered the injuries suffered by the appellant, the Tribunal granted Rs.5,000/- for pain and suffering, Rs.20,000/- for fracture of left femur shaft and lateral condyle L.T. Tibia, Rs.5,000/- for minor injuries and Rs.15,000/- towards medical expenses. In all, the Tribunal granted compensation at Rs.45,000/- with interest @ 9% per annum. The Tribunal was justified in awarding the said amount. However, the Tribunal had not granted any amount towards extra nourishment, transportation and loss of earnings. Hence, the appellant is entitled for an amount of Rs.15,000/- under the said heads.

8. Accordingly, the appeal is allowed in part modifying the order, dated 07.06.2005 passed by the Tribunal in O.P.No.691 of 2003, enhancing the compensation from Rs.45,000/- to Rs.60,000/- with interest @ 7.5% per annum on the enhanced amount of 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 other directions given by the Tribunal remain unaltered.

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

Dr. SHAMEEM AKTHER, J

Date: 04.09.2018
ssp

