

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2681 OF 2005

JUDGMENT:

This appeal is filed by the appellant-claimant under Section 173 of the M.V. Act, aggrieved by the judgment, dated 29.04.2005, in O.P.No.1166 of 2002, passed by the Motor Accident Claims Tribunal-cum-III Addl. District Judge (FTC), Nizamabad, for enhancement of compensation.

2. Heard the learned counsel for the appellant, the learned standing counsel for the Insurance Company and perused the record.

3. Learned counsel for the appellant would submit that compensation of Rs.24,000/-was granted by the Tribunal against the claim of Rs.2,00,000/-. The appellant has suffered grievous injuries. There is oral and documentary evidence to substantiate the same. The Tribunal had granted meagre compensation on all heads and ultimately, prayed to enhance the compensation.

4. On the other hand, learned standing counsel for the Insurance Company would submit that the Tribunal had calculated the compensation payable to the appellant on different heads and rightly granted Rs.24,000/-. There are no circumstances to take a different view and ultimately, prayed to dismiss the appeal.

5. There is no dispute with regard to suffering of injuries by the appellant due to rash and negligent driving of the jeep bearing No. AP 10 A 7378 by its driver. As per the material placed on record, the appellant suffered

fracture of left jaw, left hand, left wrist, skull, ribs and other multiple and grievous injuries. The Tribunal had granted the compensation as stated hereunder.

1.Fracture of left radius	Rs.10,000/-
2.Two simple injuries (Rs.2000/-each)	Rs.4,000/-
3.Purchase of medicines	Rs.5,000/-
4.Extra nourishment	Rs.5,000/-

Total	Rs.24,000/-

The Tribunal had granted Rs.10,000/- for the fracture of left radius. In view of the injury, the Tribunal ought to have granted Rs.20,000/- in stead of Rs.10,000/-. On this score only, the appellant is entitled for enhancement of compensation. As far as compensation on other heads is concerned, the same is just and reasonable.

6. In the result, the compensation awarded by the Tribunal is enhanced from Rs.24,000/- to Rs.34,000/-. The appellant is entitled to interest at 9% p.a., on the enhanced compensation amount from the date of petition till the date of realization. On deposit, the appellant is entitled to withdraw the same.

7. Accordingly, the Civil Miscellaneous Appeal is partly allowed. No order as to costs. Miscellaneous petitions, if any pending in this appeal shall stand closed.

DR.SHAMEEM AKTHER, J

DATED: 08-06-2018

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