

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2518 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 07.05.2004 in O.P.No.2086 of 2002 on the file of the Motor Accident Claims Tribunal-cum-Special Judge for trial of cases under the E.C. Act-cum-III Additional Metropolitan Sessions Judge-cum-XVII Additional Chief Judge, Hyderabad (for short 'the Tribunal').

2. Heard the learned counsel for appellant-claimant, the learned Standing Counsel for respondent-Insurance Company and perused the record.

3. Learned counsel for the appellant-claimant would contend that the Tribunal did not grant compensation towards extra nourishment and attendant charges, etc. The Tribunal granted meagre compensation for the injuries suffered by the appellant. The Tribunal did not grant total medical expenses incurred by the appellant and ultimately prayed to enhance the same.

4. Learned Standing Counsel for the Insurance Company would contend that the Tribunal had taken all the facts and circumstances of the case into consideration and granted just and reasonable compensation. It is also specifically contended that no doctor was examined for the injuries suffered by the appellant and ultimately prayed to dismiss the appeal.

5. In view of the submissions made by both sides, the only point that arises for determination is, whether the appellant is entitled for enhancement of compensation?

6. There is no dispute with regard to the appellant suffering injuries due to the rash and negligent driving of the driver of jeep bearing No.AP 20T 7167 on 06.03.2002. The only dispute is with regard to the quantum of compensation.

7. To substantiate the injuries and the damage caused to the appellant, he himself examined as P.W.1 and got marked Exs.A1 to A.10. The Tribunal by relying on Ex.A3-certified copy of MLC, Ex.A4-discharge card issued by NIMS hospital, Ex.A5-discharge card, Ex.A6-medical certificate issued by Sivarama Hospital and Ex.A11 x-ray films held that the appellant suffered three fractures. As per the record, the appellant suffered dislocation of left shoulder with fracture greater tuberosity, fracture of superior and inferior public rami, fracture of right femoral. The Tribunal awarded Rs.30,000/- towards medical expenses and another Rs.30,000/- towards pain and suffering. The Tribunal had not granted compensation for the expenses incurred for extra nourishment, attendant charges, etc. In the circumstances of the case, an amount of Rs.15,000/- is awarded towards transportation, extra nourishment and attendant charges.

8. In the result, the appeal is allowed in part modifying the order, dated 07.05.2004 passed by the Tribunal in O.P.No.2086 of 2002, enhancing the compensation from Rs.60,000/- to Rs.75,000/- 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 entire enhanced amount 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: 03.08.2018
ssp

