

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3673 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 29.06.2005 in O.P.No.357 of 2002 on the file of the Motor Accident Claims Tribunal-cum-III Additional District Judge (Fast Track Court), Adilabad at Asifabad (for short 'the Tribunal').

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

3. The learned counsel for appellant-claimant would contend that the appellant suffered grievous and simple injuries. The Tribunal had granted only Rs.8,000/- towards compensation, which is meagre and ultimately, prayed to enhance the same.

4. On the other hand, learned counsel for the respondent-Insurance Company would contend that the Tribunal had taken all the facts and circumstances into consideration and granted just and reasonable compensation on 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. As per the evidence placed on record, the appellant-claimant suffered injuries in a road accident that occurred on 19.01.2002 due to the rash and negligent driving of the driver of lorry

bearing registration No.AIW 8647. Ex.A2-medical certificate of the appellant reveals that he suffered fracture of right clavicle and it is a grievous injury. Having considered the same, the Tribunal had granted Rs.2,500/- towards loss of earnings, Rs.500/- towards transportation, Rs.2,500/- towards medical expenses and extra nourishment and Rs.2,500/- towards pain and suffering. In total, the Tribunal had granted Rs.8,000/- towards compensation.

7. The Tribunal had granted Rs.2,500/- towards pain and suffering, which is on lower side. Hence, the appellant is entitled for an amount of Rs.10,000/- towards pain and suffering instead of Rs.2,500/-. The Tribunal had granted just compensation on other heads. There is nothing to vary with the amounts awarded on those heads.

8. Accordingly, the appeal is allowed in part modifying the order, dated 29.06.2005 passed by the Tribunal in O.P.No.357 of 2002, enhancing the compensation from Rs.8,000/- to Rs.15,500/- 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: 19.09.2018
ssp