

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3694 of 2005

JUDGMENT:

Aggrieved by the grant of compensation of Rs.17,000/- as against a claim of Rs.1,00,000/- by the Motor Accident Claims Tribunal-cum-III Additional District Judge (FTC), Adilabad at Asifabad ('the Tribunal' for brevity), vide order, dated 14.09.2005, passed in O.P.No.852 of 2002, the claimant preferred this appeal under Section 173 of the Motor Vehicles Act, 1988 ('the Act', for brevity) seeking enhancement of compensation.

2. Heard both sides. Perused the record.

3. The learned counsel for the appellant-claimant would contend that the appellant-claimant suffered grievous and simple injuries in the subject accident occurred on 14.03.2002, due to rash and negligent driving of the driver of the jeep bearing registration No.AP-01-B-7881. There is ample evidence on record to substantiate the same. The Tribunal granted a meagre compensation of Rs.17,000/- as against a claim of Rs.1,00,000/- and ultimately prayed enhance the compensation as claimed.

4. On the other hand, the learned Standing Counsel for the 2nd respondent-Insurance Company would contend that the Tribunal justified in granting a total compensation of Rs.17,000/-. No doctor was examined to prove that the appellant-claimant sustained injuries in the subject accident.

There are no circumstances to enhance the compensation and ultimately prayed to dismiss the appeal by confirming the Order under challenge.

5. It is not in dispute that the appellant-claimant suffered injuries in the subject accident occurred on 14.03.2002, due to rash and negligent driving of the driver of the jeep bearing registration No.AP-01-B-7881. The only point that arises for consideration in this appeal is whether the appellant-claimant is entitled for enhancement of compensation as claimed.

6. Admittedly, the appellant-claimant did not choose to examine the doctor who treated him to prove that he sustained one grievous injury and three simple injuries in the subject accident. However, the Tribunal, after analysing the entire evidence on record, granted an amount of Rs.5,000/- towards loss of earnings, Rs.1,000/- towards transportation expenses, Rs.5,000/- towards medical expenses and Rs.6,000/- towards pain and suffering. In all, the Tribunal granted a compensation of Rs.17,000/- with interest@ 7.5% per annum from the date of petition till the date of deposit or payment.

7. Ex.A.2 is the copy of Wound Certificate of the appellant-claimant issued by Civil Assistant Surgeon, Area Hospital, Mancherial, Adilabad District. As per Ex.A.2, the appellant-claimant suffered four injuries in the subject accident and injury No.3 is grievous in nature. In view of the same, the Tribunal ought to have granted some more compensation to the appellant-claimant. Considering the totality of the

circumstances, this Court deems it appropriate to grant a total compensation of Rs.25,000/- under all heads in favour of the appellant-claimant with interest @ 7.5% per annum on the enhanced amount of compensation from the date of petition till realisation.

8. Accordingly, this appeal is allowed in part, modifying the order, dated 14.09.2005, passed in O.P.No.852 of 2002, by the Tribunal, enhancing the compensation from Rs.17,000/- to Rs.25,000/- with interest at the rate of 7.5% per annum on the enhanced amount of compensation from the date of petition till realisation. On deposit of the enhanced amount of compensation, the appellant-claimant is permitted to withdraw the same along with interest accrued thereon. Other terms of the Order under challenge remain unaltered. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

26th September, 2018
Bvv

Dr. SHAMEEM AKTHER, J