

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2968 OF 2005

JUDGMENT:

This appeal, under Section 173 of the Motor Vehicles Act, 1988, is filed by the appellant/claimant aggrieved by the grant of compensation of Rs.2,500/- as against a claim of Rs.1,13,500/-, by the learned Chairman, Motor Accident Claims Tribunal – cum – I Additional District Judge, Visakhapatnam (for short, “the Tribunal”) *vide* order, dated 19.07.2005, passed in M.O.P.No.532 of 2003.

2. Heard the submissions of the learned counsel appearing for the appellant/claimant. In spite of service of notice, there is no representation for the respondents. This appeal is of the year 2005. Hence, this appeal can be disposed of on merits without waiting for the learned counsel for the respondents to advance arguments.

3. Learned counsel for the appellant/claimant would contend that the claimant suffered grievous injuries in a road accident that occurred on 30.11.2001; that the Tribunal granted only an amount of Rs.2,500/- as against a claim of Rs.1,13,500/-, which is meagre; that the claimant incurred medical expenses as well as transportation charges, but no amount was awarded under those heads, and ultimately, prayed to allow the appeal as prayed for.

4. In view of the submissions made by the learned counsel for the appellant, the short point that falls for determination is:

“Whether the appellant/claimant is entitled for enhancement of compensation?”

5. **POINT:-** Ex.A-3 is the copy of the wound certificate of the claimant wherein it is mentioned that the claimant suffered two injuries. They are 1) a laceration of 2 x 3 right frontal region and 2) a lacerated wound over left occipital region. It goes to show that the claimant suffered two simple injuries. Further, no hospital bill was filed to prove those medical expenses. However, the Tribunal awarded an amount of Rs.1,000/- towards transport and medical expenses and an amount of Rs.1,500/- towards pain and suffering. It is meagre. So, considering the totality of circumstances, the claimant is entitled for a sum of Rs.4,000/- for the injuries and pain and suffering, and another Rs.4,000/- for incidental expenses such as extra nourishment, loss of earnings, medical expenses etc., and in all, the appellant/claimant is entitled for a compensation of Rs.8,000/- (Rupees eight thousand only) (i.e., Rs.4,000/- + Rs.4,000/-).

6. Accordingly, this appeal is allowed in part modifying the order, dated 19.07.2005, passed in M.O.P.No.532 of 2003 by the Tribunal, enhancing the compensation from Rs.2,500/- to Rs.8,000/-. The enhanced amount of compensation carries interest at the rate of 7.5% per annum from the date of petition till realisation. On deposit of the compensation, the appellant/claimant is permitted to withdraw the entire amount along with the accrued interest. There is no change in the other directions given by the Tribunal. There shall be no order as to costs.

7. Miscellaneous petitions pending, if any, in this appeal shall stand closed.

DR.JUSTICE SHAMEEM AKTHER

Date : 26.07.2018
AMD



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