

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.1423 of 2005

JUDGMENT:

Dissatisfied with the quantum of compensation of Rs.11,000/- awarded by the Motor Accident Claims Tribunal-cum-V Additional District Judge, Guntur ('the Tribunal' for brevity), *vide* order, dated 12.07.2004, passed in M.V.O.P.No.652 of 2001, as against the total claim of Rs.1,00,000/-, the claimant preferred this appeal under Section 173 of the Motor Vehicles Act, 1988 ('the Act', for brevity) seeking enhancement of compensation.

2. Heard the learned counsel for the appellant-claimant and perused the record. In spite of service of notice, there is no representation for the respondent-APSRTC. This appeal is of the year, 2005. Hence, it can be disposed of on merits.

3. Learned counsel for the appellant-claimant would contend that there is medical evidence to show that the appellant suffered fracture to right humerus due to rash and negligent driving of the driver of the bus bearing No. AP 10 Z 6888. The compensation granted by the Tribunal is meagre and ultimately prayed to enhance the compensation as claimed.

4. There is no dispute with regard to the appellant-claimant suffering injuries in a motor accident that occurred on 02.05.2001 due to the rash and negligent driving of the driver of APSRTC bus bearing No.AP 10Z 6888. The only dispute is with regard to quantum of compensation. As per the evidence on record, the appellant-claimant had taken treatment for the said

injury in a private hospital at Guntur and to substantiate his claim, he examined the doctor Y.Lakshmanaswamy as P.W.2. The Tribunal had granted Rs.7,000/- for damages. There is no specific mention of granting any compensation for the injury, pain and suffering. Taking the facts and circumstances into consideration, the petitioner is granted Rs.9,000/- for pain and suffering, injury, loss of earnings past and future in addition to the amounts granted by the Tribunal.

5. Accordingly, this appeal is allowed in part modifying the order, dated 12.07.2004, passed by the Tribunal in M.V.O.P.No.652 of 2001, enhancing the compensation from Rs.11,000/- to Rs.20,000/- with interest @ 7.5% per annum on the enhanced amount of compensation from the date of petition till the date of deposit. On deposit of the compensation, the appellant-claimant is permitted to withdraw the entire amount along with the accrued interest. The other terms of the order under challenge remain unaltered.

Miscellaneous Petitions pending, if any, shall stand closed.

There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

29<sup>th</sup> June, 2018  
ssp