

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.4089 of 2008

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 30.10.2006 in O.P.No.1838 of 2005 on the file of the Motor Accident Claims Tribunal-cum-V Additional Metropolitan Sessions Judge (Mahila Court)-cum-XIX Additional Chief Judge, City Criminal Courts, Hyderabad (for short 'the Tribunal').

2. Heard the learned counsel for appellant-claimant and perused the record.

3. Though the matter is adjourned for several times, there is no representation for the respondents. It appears that the respondents have not evincing any interest in prosecuting the matter. Hence, the appeal can be disposed of on merits basing on the material available on record.

4. Learned counsel for the appellant-claimant would contend that though the appellant suffered two grievous injuries and 15% disability, the Tribunal granted lesser amount under different heads and ultimately, prayed to enhance the same.

5. As per the material available on record, there is no dispute with regard to the injuries suffered by the appellant-claimant in a motor accident that occurred on 27.03.2005 due to the rash and negligent driving of the driver of lorry bearing No.ABT-945. The only dispute is with regard to the quantum of compensation.

6. As per the evidence of P.W.2-doctor and Ex.X2-case sheet, the appellant suffered with fracture shaft of right femur, fracture of left scapula and extensor head injury on the left forearm. The evidence of doctor also shows that the appellant suffered 15% disability. Considering the totality of the circumstances of the case, the Tribunal was pleased to grant Rs.1,01,800/- under different heads.

7. The Tribunal granted Rs.10,000/- towards 15% disability suffered by the appellant. The Tribunal ought to have granted some more amount towards permanent partial disability. So, an amount of Rs.15,000/- is added towards disability suffered by the appellant. In total, the appellant is entitled for a sum of Rs.1,16,800/- (Rs.1,01,800/- + Rs.15,000/-) towards compensation.

8. In the result, the appeal is partly allowed modifying the order, dated 30.10.2006, passed by the Tribunal in O.P.No.1838 of 2005 enhancing the compensation from Rs.1,01,800/- to Rs.1,16,800/- with interest @ 7.5% per annum on the enhanced compensation from the date of petition till the date of deposit. On such deposit, the appellant is entitled to withdraw the same along with the interest accrued thereon.

The Miscellaneous Petitions, if any, pending shall stand closed.

Dr. SHAMEEM AKTHER, J

Date: 24.09.2018
ssp