

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A. No.1561 OF 2005

JUDGMENT:

This appeal is filed under Section 173 of the Motor Vehicles Act, 1988 (for short, 'the Act') aggrieved by the order dated 12.08.2004 passed in M.V.O.P. No.235 of 2003 on the file of the Chairman, Motor Accident Claims Tribunal-cum-III Additional District Judge, Kurnool at Nandyal (for short, 'the Tribunal'), whereby the Tribunal granted Rs.8,000/- with interest at 9% per annum towards compensation to the appellant herein for the injuries sustained by him in a road accident occurred on 08.06.2001.

2. Heard the learned counsel for the appellant-claimant and perused the material on record. Though this matter is listed under the caption 'For orders', there is no representation on behalf of the respondent-A.P.S.R.T.C., in spite of service of notice. On earlier two occasions also, there was no representation on behalf of the respondent-A.P.S.R.T.C. It appears, the respondent-A.P.S.R.T.C. has no interest to putforth its contentions. Since this appeal relates to the year 2005, it can be disposed of on merits.

3. Learned counsel for the appellant-claimant would contend that the Tribunal granted meagre amount towards compensation as against the claim of Rs.1,50,000/-; though the petitioner suffered six simple injuries and one grievous injury, the Tribunal granted only Rs.8,000/-; the Tribunal had not properly assessed the compensation; and ultimately, prayed to enhance the compensation as prayed for.

4. In view of the contentions raised on behalf of the appellant-petitioner, the point for determination is, whether the appellant-petitioner is entitled for enhancement of compensation?

5. To substantiate the case, the petitioner deposed as P.W.1 and got marked Ex.A.1-certified copy of F.I.R., Ex.A.2-certified copy of charge sheet, Ex.A.3-certified copy of wound certificate and Ex.A.4-discharge summary card. On behalf of the respondent-A.P.S.R.T.C., the driver of the bus was examined as R.W.1. The claimant sustaining injuries in the subject road accident on 08.06.2001 due to rash and negligent driving of driver of offending bus bearing No.AP 10Z 5261, is not disputed. The dispute is with regard to quantum of compensation only. As per the evidence on record, the petitioner suffered six simple injuries and one grievous injury. The Tribunal while examining these injuries, granted Rs.6,000/- for six simple injuries and Rs.2,000/- for one grievous injury. In total, the Tribunal granted Rs.8,000/- as compensation. The petitioner did not examine the doctor who treated him. However, the petitioner filed Ex.A.2-certified copy of charge sheet, Ex.A.3-certified copy of wound certificate and Ex.A.4-discharge summary card, which reveals that the petitioner suffered six simple injuries and one grievous injury. The amounts granted by the Tribunal appear to be meagre amounts. Under these circumstances, the amount of Rs.6,000/- granted by the Tribunal for six simple injuries is enhanced to Rs.12,000/- and the amount of Rs.2,000/- granted by the Tribunal for one grievous injury is enhanced to Rs.6,000/-. In addition to the said amounts, the petitioner is also entitled to Rs.10,000/- towards loss of earnings, transport charges, extra nourishment, pain and suffering, etc. In all, the petitioner is entitled to Rs.28,000/- as compensation from the respondent-A.P.S.R.T.C. The Tribunal granted 9% per annum on the amount of Rs.8,000/-. The appellant-petitioner is entitled to the interest at 7.5% per annum on the enhanced amount of Rs.20,000/-.

6. In the result, this appeal is partly allowed and the order dated 12.08.2004 passed by the Tribunal in M.V.O.P. No.235 of 2003 is modified and the amount of compensation of Rs.8,000/- granted by the Tribunal is enhanced to

Rs.28,000/-. The appellant-petitioner is entitled to interest at 7.5% per annum on the enhanced amount of Rs.20,000/- from the date of petition till date of deposit. The appellant-petitioner is permitted to withdraw the entire amount of compensation.

7. Miscellaneous Petitions pending, if any, shall stand closed. There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

Date: 20.06.2018
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