

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3657 OF 2005

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 24.08.2005 in O.P.No.2086 of 2003 on the file of the Motor Accident Claims Tribunal-cum-XIII Additional Chief Judge, (Fast Track Court), City Civil Court, Hyderabad (for short 'the Tribunal').

2. Heard the learned counsel for appellant-claimant, the learned Standing Counsel for respondent No.2-Insurance Company and perused the record. The appeal against respondent No.1 was dismissed for default on 06.01.2012.

3. Learned counsel for the appellant-claimant would contend that the appellant suffered grievous injuries in a road accident that occurred on 14.03.2003. The Tribunal granted compensation of Rs.18,000/- with interest @ 6% per annum, which is meagre and ultimately prayed to enhance the compensation.

4. Learned Standing Counsel for the respondent-Insurance Company would contend that the Tribunal had granted just and adequate compensation. There are no circumstances to enhance the compensation and ultimately prayed to dismiss the appeal.

5. In view of the above rival contentions, the point that arises for determination is, whether the appellant is entitled for enhancement of compensation?

6. There is no dispute with regard to the appellant suffering injuries in a motor accident that occurred on 14.03.2003 due to the rash and negligent driving of the driver of tipper bearing No.AP-9/V-296. The only dispute is with regard to quantum of compensation.

7. To prove the injuries, the appellant was examined as P.W.1 and got marked Ex.A1-FIR and Ex.A2-discharge certificate. Ex.A2-discharge certificate shows that the appellant had suffered simple fracture of left spiner, contusion and other injuries and conservative treatment was given to her. No doctor was examined to prove the said injuries and also that she was incapable to do work for sometime. In view of the injuries suffered by the appellant, the Tribunal granted compensation of Rs.18,000/- as detailed below:-

Transportation	Rs.1,000/-
Damage to clothes	Rs.1,000/-
Pain and sufferance	Rs.5,000/-
Attendant allowance	Rs.3,000/-
Extra nourishment	Rs.3,000/-
Medical expenses	Rs.3,000/-
Loss of earnings for one month	Rs.2,000/-
Total	Rs.18,000/-

The Tribunal had rightly assessed and granted the above said compensation to the appellant. Hence, there is no infirmity in the impugned order.

8. As regards rate of interest, it is apt to refer to the decision of the Apex Court in Dharampal Vs. State Road Transport

Corporation¹, wherein, the Apex Court awarded interest @ 7.5% per annum on the amount awarded as compensation. In view of the same, awarding interest @ 6% per annum on the amount awarded as compensation by the Tribunal is on lower side.

9. Accordingly, this appeal is allowed in part modifying the order dated 24.08.2005 passed by the Tribunal in O.P.No.2086 of 2003, only to the extent of awarding interest @ 7.5% per annum on the amount granted as compensation from the date of petition till the date of deposit. The other terms of the order under challenge remain unaltered. On deposit of the compensation, the appellant-claimant is permitted to withdraw the entire amount with interest.

The Miscellaneous Petitions, if any, pending shall stand closed.
No costs.

Date: 20.08.2018
ssp

Dr. SHAMEEM AKTHER, J

¹ MANU SC 7680 2008