

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2144 of 2006

JUDGMENT:

Aggrieved by the grant of compensation of Rs.26,404/- as against a claim of Rs.1,00,000/-, vide order, dated 06.07.2006, passed in O.P.No.799 of 2004 by the Chairman, Motor Accident Claims Tribunal-cum-IV Additional District Judge (FTC), Karimnagar ('the Tribunal', for brevity), 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. Despite listing this matter under the caption "For Orders", there is no representation for the 3rd respondent-Insurance Company. This appeal is of the year 2006. Hence, this appeal can be disposed of basing on the material available on record, without waiting for the learned Standing Counsel for the 3rd respondent-Insurance Company to advance arguments.

3. The learned counsel for the appellant-claimant would contend that the appellant-claimant suffered grievous injuries in the subject accident occurred on 18.06.1999. He underwent an operation and plates and screws were inserted. The appellant-claimant also suffered other simple injuries in the subject accident. The Tribunal granted a meagre compensation of Rs.26,404/- as against a claim of Rs.1,00,000/- and ultimately prayed to enhance the compensation.

4. It is not in dispute that the appellant-claimant suffered injuries in the subject accident occurred on 18.06.1999, due to rash and

negligent driving of the driver of the Ambassador Car bearing registration No.AP-15-E-3227. The point that arises for determination in this appeal is whether the appellant-claimant is entitled for enhancement of compensation as claimed.

5. As per Ex.A.3-Certified copy of Medical Certificate issued by Government Hospital, Metpalli, the appellant-claimant suffered fracture to his right femur and contusion on right leg. The Tribunal, after analysing the entire material on record, granted an amount of Rs.8,000/- towards loss of earnings, Rs.2,000/- towards transportation charges, Rs.2,000/- towards extra-nourishment, Rs.9,404/- towards medicines and other incidental charges and Rs.5,000/- towards pain and suffering. In all, the Tribunal granted an amount of Rs.26,404/- towards compensation in favour of the appellant-claimant with interest @ 7.5% per annum from the date of petition till the date of deposit.

6. Though the appellant-claimant suffered fracture to his right femur and underwent an operation, the Tribunal granted Rs.5,000/- towards pain and suffering, which is on lower side. The Tribunal ought to have granted an amount of Rs.20,000/- on the said score. Accordingly, an amount of Rs.20,000/- is granted to the appellant-claimant towards injuries, pain and suffering, instead of Rs.5,000/- awarded by the Tribunal. As far as the compensation awarded by the Tribunal on the other heads is concerned, the same is just and reasonable and there are no circumstances to vary the same.

7. Accordingly, this appeal is allowed in part, modifying the order, dated 06.07.2006, passed in O.P.No.799 of 2004 by the Tribunal, enhancing the compensation from Rs.26,404/- to Rs.41,404/-. 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 enhanced compensation, the appellant-claimant is permitted to withdraw the entire amount along with the interest accrued thereon. 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

27th August, 2018
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