

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.274 OF 2006

JUDGMENT:

This appeal, under Section 173 of the Motor Vehicles Act, 1988, is filed by the appellant/claimant aggrieved by the grant of compensation of Rs.50,000/-with costs and subsequent interest at the rate of 9% per annum from the date of petition till the date of realisation, as against a claim of Rs.1,00,000/-, by the learned Chairman, Motor Accident Claims Tribunal – cum – V Additional District and Sessions Judge, Mahabubnagar (for short, “the Tribunal”) *vide* order, dated 29.10.2004, passed in O.P.No.569 of 1999.

2. Heard the submissions of the learned counsel appearing for the appellant/claimant. There is no representation for the respondents inspite of service of notice and though the matter is listed under the caption “For Orders”. The appeal pertains to the year 2006. So, it can be disposed of basing on the material available on record and by treating the arguments of the respondents as heard. Perused the material on record.

3. Learned counsel for the appellant/claimant would contend that the claimant suffered multiple injuries to his left leg, but the Tribunal awarded the total compensation of Rs.50,000/- with costs and subsequent interest at 9% per annum from the date of petition till the date of realisation, as against a claim of Rs.1,00,000/-, which is meagre; that the Tribunal has also not granted compensation towards loss of earnings and other heads and

ultimately, prayed to enhance the compensation and allow the appeal as prayed for.

4. In view of the submissions made by the learned counsel for the appellant, the short point that falls for determination is:

“Whether the appellant/claimant is entitled for enhancement of compensation?”

5. **POINT:-** There is no dispute with regard to the claimant suffering injuries in a road accident that occurred on 14.05.1999 due to the rash and negligent driving of the driver of lorry bearing No.AP-26-T-9414. The only dispute is with regard to enhancement of compensation.

6. As per the oral and documentary evidence on record, the claimant suffered fracture to both bones (tibia and fibula) of his left leg. The Tribunal granted an amount of Rs.40,000/- for the said fracture and an amount of Rs.10,000/- towards medical expenditure and pain and suffering. In all, the Tribunal granted an amount of Rs.50,000/-. The Tribunal had not granted any amount towards loss of earnings and the expenses incurred for extra nourishment, transportation etc. On these scores, the claimant is entitled for a sum of Rs.20,000/-. Thus, the claimant is entitled for a total compensation of Rs.70,000/- (Rupees seventy thousand only) (i.e., Rs.50,000/- + Rs.20,000/-).

7. Accordingly, this appeal is allowed in part modifying the order, dated 29.10.2004, passed in O.P.No.569 of 1999 by the Tribunal, enhancing the compensation from Rs.50,000/- to Rs.70,000/-. 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 compensation, the appellant/claimant is permitted to withdraw the entire amount along with the accrued interest. There is no change in the other directions given by the Tribunal. There shall be no order as to costs.

8. Pending M.A.C.M.A.M.P.No.477 of 2006 is disposed of in terms of this order as no grounds for amendment of pleadings are made out. Any other miscellaneous petitions pending in this appeal shall stand closed.

Date : 11.09.2018
AMD

DR.JUSTICE SHAMEEM AKTHER



THE HON'BLE DR.JUSTICE SHAMEEM AKTHER



M.A.C.M.A.No.274 OF 2006

Date: 11.09.2018

AMD