

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2821 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 06.06.2005 in O.P.No.517 of 2001 on the file of the Motor Accident Claims Tribunal-cum-V Additional District Judge, Nizamabad (for short 'the Tribunal').

2. Though the matter is posted 'for orders', there is no representation for both sides. This appeal is of the year 2005. Hence, it can be disposed of on merits basing on the material available on record.

3. This appeal is filed contending that the Tribunal granted meagre compensation. The Tribunal had not granted just and reasonable compensation on conventional heads and ultimately prayed to enhance the compensation.

4. There is no dispute with regard to the appellant-claimant suffering injuries in a motor accident occurred on 06.12.2000 due to the rash and negligent driving of Maruti car bearing No.ABJ-1113 driven by its driver belonging to respondent No.1. The only dispute is with regard to quantum of compensation.

5. As per the evidence of P.W.2-doctor and the wound certificate produced before the Court, the appellant suffered the following injuries:

1. Fracture of lower end of radius
2. Forehead injury.

Injury No.1 is grievous. The Tribunal granted compensation of Rs.5,000/- towards pain and suffering for grievous injury, Rs.1,000/- towards pain and suffering for simple injury, Rs.2,000/- towards extra nourishment and Rs.3,750/- towards loss of income. There is no dispute that the appellant suffered above grievous and simple injuries. The Tribunal had granted meagre compensation for the said injuries. So, the appellant is entitled for a sum of Rs.10,000/- for both the injuries and Rs.5,000/- towards pain and suffering. The Tribunal granted just and reasonable compensation on other heads. Hence, no interference is required.

6. Accordingly, the appeal is allowed in part modifying the order, dated 06.06.2005 passed by the Tribunal in O.P.No.517 of 2001, enhancing the compensation from Rs.11,750/- to Rs.20,750/- with interest @ 7.5% per annum on the enhanced amount of compensation from the date of petition till the date of deposit. The other terms of the order under challenge remain unaltered. On deposit, the appellant-claimant is permitted to withdraw the entire compensation with interest.

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

Dr. SHAMEEM AKTHER, J

Date: 25.07.2018
ssp