

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A. No.1016 OF 2006

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 05.12.2005 in O.P.No.1408 of 2003 on the file of the XI Additional Chief Judge, City Civil Court, Fast Track Court, Hyderabad (for short, 'the Tribunal').

2. Heard the learned counsel for the appellant-claimant and perused the record. Though the matter is posted 'for orders', there is no representation for the 2nd respondent-Insurance company. Since this appeal is of the year 2006, it can be disposed of on merits.

3. Learned counsel for the appellant-claimant would contend that the Tribunal had granted Rs.16,000/- as compensation against the claim of Rs.50,000/-. The appellant suffered with chronic fracture and other injuries. The Tribunal had not granted any compensation towards disability. The grant of compensation of Rs.16,000/- is inadequate and prayed to enhance the same as claimed.

4. As per the oral and documentary evidence, the appellant suffered laceration of 2" x 2" over the occipital area, laceration of 1" x 1 c.m. over canthus of right eye and fracture of (sic) of right clavicle. The said fracture is grievous and other injuries are simple in nature. There is Ex.P-20 X-ray showing the chronic injury. Further, there is Ex.P16 requisition for X-ray.

P.W.2-Dr.P.Kamalakar Sharma stated that the aforementioned injuries were suffered by the appellant. The compensation granted by the Tribunal is mentioned hereunder:

Loss of earnings	Rs.3,000/-
Transportation	Rs.500/-
Extra nourishment	Rs.1,000/-
Medical expenses	Rs.5,000/-
Pain and suffering	Rs.6,500/-
Total	Rs.16,000/-

The Tribunal had not granted any amount towards permanent and partial disability. Hence, Rs.5,000/- can be granted under this head. As far as other heads are concerned, there is no evidence to enhance the compensation.

5. Accordingly, this appeal is allowed in part modifying the order, dated 05.12.2005 in O.P.No.1408 of 2003, passed by the Tribunal, enhancing the compensation from Rs.16,000/- to Rs.21,000/-. The enhanced compensation carries interest @ 7.5% per annum from the date of petition till the date of deposit. On deposit of the compensation, the appellant-claimant is permitted to withdraw the entire amount along with the accrued interest. The other terms of the order under challenge remain unaltered.

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

Dr. SHAMEEM AKTHER, J

Date: 21.06.2018
ssp