

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3233 of 2005

JUDGMENT:

Aggrieved by the grant of compensation of Rs.19,000/- as against a claim of Rs.1,00,000/-, vide order, dated 02.09.2004, passed in O.P.No.1195 of 2001 by the Chairman, Motor Accident Claims Tribunal-cum-III Additional District Judge (FTC), Ranga Reddy District at L.B.Nagar, Hyderabad ('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 both sides and perused the record.

3. The learned counsel for the appellant-claimant would contend that the Tribunal did not grant any compensation towards extra-nourishment, transportation and attendant charges in favour of the appellant-claimant. Grant of compensation of Rs.19,000/- as against a claim of Rs.1,00,000/- is meagre and ultimately prayed to enhance the compensation as claimed.

4. On the other hand, the learned Standing Counsel for the 2nd respondent-Insurance Company would contend that the Tribunal justified in granting a compensation of Rs.19,000/- in favour of the appellant-claimant under different heads. Further, there are no pleadings in the memorandum of grounds of appeal

with regard to the contentions now raised before this Court on behalf of the appellant-claimant and ultimately prayed to dismiss the appeal by confirming the order under challenge.

5. It is not in dispute that the appellant-claimant suffered injuries in the subject accident occurred on 21.11.2000, due to rash and negligent driving of the driver of the AP-28-T-7677. The only point that arises for determination in this appeal is whether the appellant-claimant is entitled for enhancement of compensation, as claimed.

6. The Tribunal, relying on the Injury Certificate issued by the hospital and the photographs showing the physical features of the appellant-claimant, held that the appellant-claimant sustained multiple fractures to his right hand in the subject accident and granted an amount of Rs.10,000/- towards pain and suffering and Rs.9,000/- towards loss of income for three months @ Rs.3,000/- per month. In all, the Tribunal granted a compensation of Rs.19,000/- with interest at the rate of 9% per annum from the date of petition till realisation. Admittedly, the Tribunal had not granted any compensation towards extra-nourishment, transportation and attendant charges. The appellant-claimant would have certainly incurred some expenditure for the same. Considering the same, this Court deems it appropriate to grant an amount of Rs.6,000/- as compensation on these scores.

7. Accordingly, this appeal is allowed in part, modifying the order, dated 02.09.2004, passed in O.P.No.1195 of 2001 by the

Tribunal, enhancing the compensation from Rs.19,000/- to Rs.25,000/-. 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 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.

27th August, 2018
Bvv

Dr. SHAMEEM AKTHER, J

