

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3573 OF 2005

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.3,500/- with proportionate costs and interest at 9% per annum from the date of petition till the date of deposit, as against a claim of Rs.60,000/-, by the learned Chairman, Motor Vehicle Accident Claims Tribunal – cum – III Additional District Judge, Guntur (for short, “the Tribunal”) *vide* order, dated 25.08.2004, passed in M.V.O.P.No.747 of 2000.

2. Heard the submissions of the learned counsel appearing for the appellant/claimant, the learned Standing Counsel for the United India Insurance Company Limited appearing for respondent No.2, and perused the record.

3. Learned counsel for the appellant/claimant would contend that Tribunal granted an amount of Rs.3,500/- with proportionate costs and interest at 9% per annum from the date of petition till the date of deposit, as against a claim of Rs.60,000/-, which is meagre; that there is ample evidence of P.W.2 - Doctor to substantiate that the claimant sustained right scapular fracture and laceration on fore head and Ex.A-5 - X-ray of right scapular substantiates the same; that P.W.2 also deposed that the physical disability of the claimant is about 10% and it is permanent and partial disability and ultimately, prayed to enhance the compensation and allow the appeal as prayed for.

4. On the other hand, learned Standing Counsel for the United India Insurance Company Limited appearing for respondent No.2 would contend that as per the medical record, the claimant suffered two simple injuries and so the Tribunal is justified in granting a compensation of Rs.3,500/- and ultimately, prayed to dismiss the appeal.

5. In view of the submissions made by the learned counsel on either side, the short point that falls for determination is:

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

6. **POINT:-** There is no dispute with regard to the claimant suffering injuries in a motor vehicle accident that occurred on 09.05.2000 due to the rash and negligent driving of the driver of mini lorry bearing No.A.P.16W-5252. The only dispute is with regard to quantum of compensation.

7. To substantiate her case, the claimant was examined as P.W.1 and one Dr.K.Venkateswara Rao was examined as P.W.2. Exs.A-1 to A-5 were got marked on her behalf. Ex.A-1 is the certified copy of F.I.R. in Crime No.18 of 2000 of Santhamaguluru Police Station. Ex.A-2 is the certified copy of charge sheet in C.C.No.95 of 2001 on the file of Additional Judicial Magistrate of First Class, Addanki. Ex.A-3 is the prescription issued by P.W.2. Ex.A-4 is the medical bills (3 in number). Ex.A-5 is the X-ray. The Tribunal concluded that the claimant suffered two simple injuries and granted an amount of Rs.3,500/- towards compensation, which is meagre. The Tribunal ought to have placed reliance on the evidence of P.W.2. Considering the same, the claimant is

entitled for an amount of Rs.10,000/- for the injuries suffered by her, Rs.1,000/- for medical expenses and Rs.4,000/- towards pain and suffering, transportation, extra nourishment, loss of earnings etc., and in all, the claimant is entitled for an amount of Rs.15,000/- (Rupees fifteen thousand only) (i.e., Rs.10,000/- + Rs.1,000/- + Rs.4,000/-).

8. Accordingly, this appeal is allowed in part modifying the order, dated 25.08.2004, passed in M.V.O.P.No.747 of 2000 by the Tribunal, enhancing the compensation from Rs.3,500/- to Rs.15,000/- 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.

9. Miscellaneous petitions pending, if any, in this appeal shall stand closed.

DR.JUSTICE SHAMEEM AKTHER

Date : 12.09.2018
AMD

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER



M.A.C.M.A.No.3573 OF 2005

Date: 12.09.2018

AMD