

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2740 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 26.03.2004 in O.P.No.1269 of 2000 on the file of the Motor Accident Claims Tribunal-cum-IV Additional District Judge, Nalgonda (for short 'the Tribunal').

2. Heard the learned counsel for appellant-claimant, the learned Standing Counsel for respondent-APSRTC (now 'TSRTC') and perused the record.

3. Learned counsel for the appellant-claimant would contend that the Tribunal had not granted any compensation towards medical expenses and ultimately prayed to enhance the same.

4. Learned Standing Counsel for the RTC would contend that no doctor was examined to prove the injuries of the appellant. Taking all the facts and circumstances into consideration, the Tribunal assessed the compensation. Hence, there are no circumstances to interfere with the same and ultimately prayed to dismiss the appeal.

5. In view of the submissions made by both sides, the only point that arises for determination is, whether the appellant is entitled for enhancement of compensation?

6. There is no dispute with regard to the appellant-claimant suffering injuries in a motor accident occurred on 22.09.2000 due to the rash and negligent driving of the driver of

RTC bus bearing No.AP 10Z 5830. The only dispute is with regard to enhancement of compensation.

7. The Tribunal while dealing with the subject matter held that the appellant-claimant suffered two grievous injuries i.e., on forehead and right leg. But the appellant did not file any disability certificate. The Tribunal granted Rs.30,000/- for the injuries and Rs.10,000/- for treatment and medical expenses. Ex.A5-discharge card and Ex.A6-out patient medical record show that the appellant took treatment in NIMS Hospital, Hyderabad. Ex.A8-bunch of medical bills, Ex.A9-bunch of prescriptions and Ex.A10-bunch of X-rays show that the appellant sustained grievous injuries. The Tribunal rightly granted compensation of Rs.30,000/- towards injuries and Rs.10,000/- towards treatment and medical expenses, but on other heads, the claimant is entitled for compensation.

8. The accident occurred on 22.09.2000. The cost of living prevailing then is required to be taken into consideration to assess and award the compensation payable to the appellant. The appellant is an earning member. Considering the nature of injuries, an amount of Rs.10,000/- is granted towards loss of earnings for a period of five months @ Rs.2,000/- per month. The appellant is also entitled for an amount of Rs.5,000/- towards transportation, extra nourishment and attendant charges. In total, the appellant-claimant is entitled for a sum of Rs.55,000/- towards compensation with interest @ 7.5% per annum on the enhanced compensation.

9. Accordingly, the appeal is allowed in part modifying the order, dated 26.03.2004 passed by the Tribunal in O.P.No.1269 of 2000, enhancing the compensation from Rs.40,000/- to Rs.55,000/- with interest @ 7.5% per annum on the enhanced amount of compensation from the date of petition till the date of deposit. On such deposit, the appellant is permitted to withdraw the entire enhanced amount along with the interest accrued thereon. The other directions given by the Tribunal remain unaltered.

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

Date: 02.08.2018
ssp

Dr. SHAMEEM AKTHER, J

