

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3482 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 29.04.2005 in O.P.No.703 of 2000 on the file of the Motor Accident Claims Tribunal-cum-VI Additional District Judge (Fast Track Court), Ananthapur District at Gooty (for short 'the Tribunal').

2. Heard the learned counsel for appellant-claimant and perused the record.

3. There is no representation for the respondents. This appeal pertains to the year 2005. Hence, it can be disposed of on merits basing on the material available on record.

4. Learned counsel for the appellant-claimant would contend that the appellant suffered grievous injuries and claimed compensation of Rs.2,00,000/-, but the Tribunal had granted only Rs.25,000/-, which is meagre and ultimately prayed to enhance the compensation.

5. As per the material available on record, P.W.1-appellant stated that on 03.09.2000 while he was going along with his brother on motorcycle, the driver of van bearing No.ADA 6485 came in opposite direction in a rash and negligent manner dashed against their motorcycle, due to which he received injuries on his left leg below the knee and above ankle joint and he received multiple injuries to his left leg. Though the appellant deposed that he suffered injuries due to the said accident, P.W.2-doctor did not state that the appellant

suffered injuries in a road accident. A comprehensive reading of the evidence of P.W.1 and the documents Ex.A1-FIR, Ex.A2-charge sheet and A3-wound certificate makes it clear that the appellant suffered injuries in a road accident. As per Ex.A3-wound certificate, the appellant received two grievous injuries to his leg. As per the evidence of P.W.2-doctor the appellant spent Rs.25,000/- towards medical expenses. Having considered the evidence, the Tribunal granted compensation of Rs.10,000/- towards injuries, Rs.2,000/- for pain and suffering and Rs.3,000/- towards medical expenses. The Tribunal had not granted any amount for loss of earnings, extra nourishment and other incidental expenses. Hence, the appellant is entitled for a sum of Rs.15,000/- under the said heads. In all, the appellant is entitled for a compensation of Rs.40,000/-.

6. Accordingly, the appeal is allowed in part modifying the order, dated 29.04.2005 passed by the Tribunal in O.P.No.703 of 2000, enhancing the compensation from Rs.25,000/- to Rs.40,000/- 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 such deposit of enhanced compensation, the appellant is entitled to withdraw the same along with the interest accrued thereon.

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

Date: 21.08.2018
ssp

Dr. SHAMEEM AKTHER, J