

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.1900 of 2006

JUDGMENT:

This appeal is filed under Section 173 of the Motor Vehicles Act, 1988, by the appellant-claimant aggrieved by the order dated 28.02.2006 in O.P.No.1832 of 2001 on the file of the Motor Accident Claims Tribunal-cum-III Additional Chief Judge, City Civil Court, Hyderabad.

2. Heard the learned counsel for appellant-claimant, the learned Standing Counsel for the respondent-Insurance Company and perused the record

3. Learned counsel for the appellant-claimant would contend that the appellant-claimant suffered grievous injuries in a road accident and claimed Rs.12,00,000/-, but the Tribunal awarded only an amount of Rs.3,72,500/-, which is meagre. The Tribunal had not granted total medical expenses and also not granted required compensation in all other heads and ultimately prayed to enhance the compensation as claimed.

4. On the other hand, learned counsel for the respondent-insurer would submit that the Tribunal had taken all the facts and circumstances into consideration and granted just and reasonable compensation. There are no circumstances to take a different view and ultimately prayed to dismiss the appeal.

5. There is no dispute with regard to the appellant-claimant suffering grievous injuries in a road accident caused by

lorry bearing No.AP 10T 9342 driven by its driver in rash and negligent manner on 15.11.2000.

6. To prove his injuries and substantiate his claim, the appellant-claimant examined himself as P.W.1 and also examined P.Ws.2 and 3 and got marked Ex.A1 certified copy of FIR, Ex.A2 certified copy of charge sheet, Ex.A3 certified copy of scene of offence panchanama, Ex.A4 certified copy of medical certificate, Ex.A5 discharge summary, Ex.A6 medical bill, Ex.A7 receipt, Ex.A8 discharge summary, Ex.A9 medical bill, Ex.A10 O.P. record, Ex.A11 medical prescriptions, Ex.A12 prescription issued by doctor, Ex.A13 out patient medical record, Ex.A14 out patient cards two in number, Ex.A15 three photos, Ex.A16 disability certificate, Ex.A17 salary certificate, Ex.A18 disability certificate, Ex.A19 SSC marks list, Ex.A20 x-ray, Ex.A21 medical bills, Ex.A22 medical report form and bills and Ex.A23 cash bill. No witness was examined on behalf of the respondent-insurer. Only copy of policy of insurance is marked as Ex.B1.

7. The compensation granted by the Tribunal is mentioned hereunder:

Pain and suffering	Rs.35,000/-
Medical expenses	Rs.1,46,264/-
Loss of earnings	Rs.1,20,937/-
Loss of amenities	Rs.50,000/-
Expenses for service of assistant	Rs.5,000/-
Travelling expenses and extra nourishment	Rs.15,000/-
Total rounded to	Rs.3,72,500/-

As seen from the order passed, the Tribunal had elaborately dealt with oral and documentary evidence and assessed the compensation of Rs.3,72,500/- and awarded the

same with interest @ 6% per annum from the date of petition till the date of realisation. There is no infirmity with regard to the assessment and grant of compensation by the Tribunal.

8. As regards the rate of interest, it is apt to refer to the decision of the Apex Court in *Dharampal Vs. State Road Transport Corporation*¹, wherein, the Apex Court awarded interest @ 7.5% per annum on the amount awarded as compensation. In view of the same, the appellant is entitled only for enhancement of interest from 6% per annum to 7.5% per annum. There cannot be any change in the assessment of compensation.

9. Accordingly, this appeal is allowed in part modifying the order, dated 28.02.2006 in O.P.No.1832 of 2001, passed by the Tribunal, only to the extent of awarding interest at the rate of 7.5% per annum on the amount granted as compensation (Rs.3,72,500/-) from the date of petition till the date of deposit. The other terms of the order under challenge remain unaltered. On deposit of the compensation, the appellant-claimant is permitted to withdraw the entire amount with interest.

Miscellaneous Petitions pending, if any, shall stand closed.

No order as to costs.

Dr. SHAMEEM AKTHER, J

25th June, 2018
ssp

¹ MANU SC 7680 2008