

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

M.A.C.M.A No. 543 of 2009

JUDGMENT:

This appeal is arising out of the order dated 02.05.2001 in M.V.O.P. No.373 of 1998 on the file of Motor Accidents Claims Tribunal (IV Additional District Judge), Guntur. The appellant is the petitioner-Shaik Gouse. The appellant has filed a petition under Section 166 and 163(A) of the Motor Vehicles Act, 1988, for compensation of Rs.1,50,000/- with interest at 12% per annum, against respondents 1 and 2, the owner and the insurer of City Bus bearing No.AP 7T 1985 plying from Autonagar to Guntur, on account of the injuries sustained by him in a motor vehicle accident on 02.04.1998 at 7:00 PM, while he was getting down at TDP office from the said Bus and driver of the Bus drove it in a rash and negligent manner.

2. The Tribunal, on consideration of evidence of witnesses PWs.1 and 2, and the documents Ex.A1 to A9, and Ex.X1-case sheet; and the evidence of RW.1 and the documents Ex.B1 to B5, has awarded compensation of Rs.37,000/- with interest at 9% per annum against respondents 1 and 2. Dissatisfied with the quantum of compensation awarded by the Tribunal, the petitioner preferred this appeal seeking enhancement of compensation.

3. Heard Sri A. Rajendra Babu, learned counsel appearing for the appellant-petitioner; and Sri C. Satya Manjula, learned counsel appearing for the respondent-insurance company.

4. Learned counsel for the petitioner submits that the Tribunal has not awarded compensation for the Heads under Pain and Suffering, Loss of Amenities and Transportation, and therefore sought for grant of compensation.

5. Learned counsel for the respondent-insurance company fairly submitted that some amount may be enhanced.

6. On consideration of the arguments of the learned counsel for the petitioner, and the learned counsel for the respondent-insurance company, the compensation awarded by the Tribunal appears to be inadequate and, therefore, the compensation is enhanced under the following Heads.

S.No.	Head	Compensation awarded by the Tribunal	Compensation enhanced
1.	Pain and Suffering	-	Rs.20,000/-
2.	Permanent Disability	-	Rs.10,000/-
3.	Loss of amenities, transportation, extra nourishment	-	Rs.10,000/-
	Total		Rs.40,000/-

7. **In the result**, the appeal is partly allowed by enhancing the compensation awarded by the Tribunal from Rs.37,000/- to Rs.77,000/- with interest at 9% per annum from the date of petition till realization. The respondent-insurance company is directed to deposit the compensation amount within four weeks from the date of receipt of a

copy of this order and on such deposit the appellant is permitted to withdraw the amount. Miscellaneous petitions, if any pending, shall stand closed.

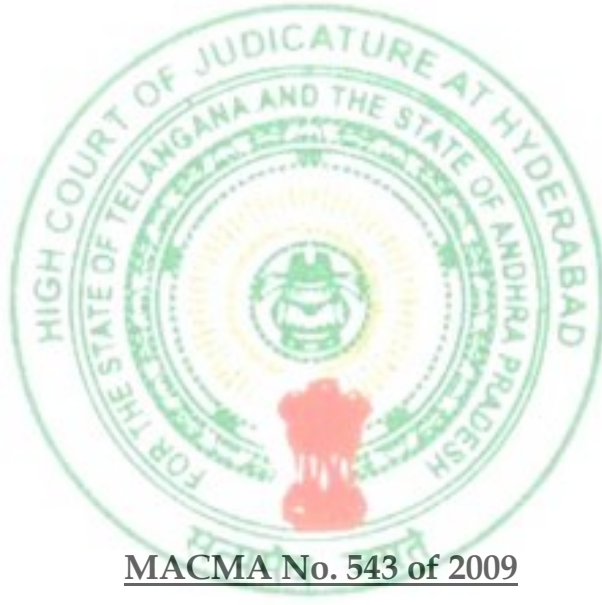
GUDISEVA SHYAM PRASAD, J

14th June, 2018

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