

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.1039 of 2006

JUDGMENT:

Dissatisfied with the quantum of compensation of Rs.66,000/- awarded by the Motor Accident Claims Tribunal-cum-Principal District Judge, Medak at Sangareddy ('the Tribunal' for brevity), vide order, dated 20.02.2006, passed in O.P.No.362 of 2004, as against the total claim of Rs.1,50,000/-, the claimant preferred this appeal under Section 173 of the Motor Vehicles Act, 1988 ('the Act', for brevity) seeking enhancement of compensation.

2. Heard the learned counsel for appellant-claimant, the learned counsel for 2nd respondent-Insurance company and perused the record.

3. Learned counsel for the appellant-claimant would contend that the compensation granted by the Tribunal is meagre. The Tribunal had not granted compensation under the heads of pain and suffering and loss of earnings and ultimately prayed to enhance the same as claimed.

4. On the other hand, learned counsel for the respondent-Insurance Company would submit that the Tribunal had granted compensation on all heads including pain and suffering and also granted Rs.5,000/- towards incidental charges. The Tribunal had granted just and reasonable compensation. There are no circumstances to interfere with the compensation and prayed to dismiss the appeal.

5. The appellant-claimant sustaining injuries in a road accident that occurred on 31.05.2004 due to rash and negligent driving of driver of lorry bearing No.AIH 5832, is not disputed. The only dispute is with regard to quantum of compensation. As seen from the material placed on record, the Tribunal had granted Rs.40,000/- towards fractures suffered by the appellant, which is just and reasonable. So, no amount is required to be granted towards pain and suffering. The Tribunal had not granted any compensation towards loss of earnings. There are two fractures in the right hand and the capability to lift the hand is reduced due to the injuries suffered in accident. Considering the same, an amount of Rs.15,000/- is granted towards past and future loss of earnings.

6. Accordingly, this appeal is allowed in part modifying the order, dated 20.02.2006, passed by the Tribunal in O.P.No.362 of 2004, i.e., enhancing the compensation from Rs.66,000/- to Rs.81,000/- with interest @ 7.5% per annum from the date of petition till the date of deposit. On deposit of the compensation, the appellant-claimant is permitted to withdraw the entire amount along with the accrued interest. The other terms of the order under challenge remain unaltered.

Miscellaneous Petitions pending, if any, shall stand closed.

There shall be no order as to costs.

26th June, 2018
ssp

Dr. SHAMEEM AKTHER, J