

SMT JUSTICE T. RAJANI

MA CMA No.91 of 2012

JUDGMENT:

This appeal is preferred by the appellant, who is the claimant before the court below, assailing the judgment of the Motor Accidents Claims Tribunal-cum-XIII Additional District Judge, Narsaraopet, Guntur District, on the ground that the court below did not award adequate compensation.

2. This is a case of injuries sustained by the claimant in the motor accident. The court below considered the five fracture injuries and awarded Rs.8,000/- towards each grievous injury. The counsel submits that the said compensation is not adequate. This court also opines that the said compensation is not adequate. Hence, the same is enhanced by awarding Rs.12,000/- for each of the injuries. Thereby, the compensation for the grievous injuries would come to Rs.12,000/- X 5= Rs.60,000/-.

3. A perusal of the judgment shows that Rs.3,000/- was awarded towards each of the three simple injuries, which is adequate and needs no interference. The court below also awarded an amount of Rs.10,000/- towards extra nourishment and the same does not need any interference, since the same is adequate. Rs.20,000/- awarded towards pain and suffering and mental agony, apart from the compensation awarded towards injuries, also is adequate and needs no interference.

4. Considering that the disability would range from 12 to 25%, as stated by PWs.1 to 3, Rs.30,000/- was also awarded towards permanent disability, which cannot be said to be on lower side as the evidence of the Doctors is only that the disability is temporary and would only last till the removal of the screws. The court below also awarded compensation towards future surgery. Hence, there is no reason to enhance the amounts awarded under the other heads.

5. Hence, the petitioner is entitled to the enhanced compensation of Rs.60,000/- towards grievous injuries. To the extent indicated above, the judgment stands modified.

6. Hence, the award stands enhanced to the extent indicated above and the rest of the award shall remain intact. This award shall relate back to the date of decree and the enhanced compensation awarded shall carry interest at the rate specified and from the time indicated in the award by the Court below.

Accordingly, the MACMA is partly allowed. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

T. RAJANI, J

July 13, 2018
LMV