

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.7 of 2005

JUDGMENT:

Aggrieved by the grant of compensation of Rs.1,25,000/- as against a claim of Rs.4,50,000/- by the Chairman, Motor Accident Claims Tribunal-cum-Additional District Court, Hindupur ('the Tribunal' for brevity), vide order, dated 30.09.2004, passed in O.P.No.168 of 2003, 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 Standing Counsel for the Oriental Insurance Company Limited representing the 2nd respondent and perused the record.

3. The learned counsel for the appellant-claimant would submit that the appellant-claimant had suffered grievous injuries in the motor accident that occurred on 20.03.2002. He claimed a compensation of Rs.4,50,000/-. The Tribunal granted a compensation of Rs.1,25,000/-, which is meagre and ultimately prayed to enhance the compensation as claimed.

4. On the other hand, the learned Standing Counsel for the 2nd respondent-Insurance Company would contend that the Tribunal had taken all the relevant factors into consideration and granted just and reasonable amount as compensation. There are no circumstances to enhance the same and ultimately prayed to dismiss the appeal.

5. It is not in dispute that the appellant-claimant suffered injuries in the accident that occurred on 20.03.2002 due to the rash and negligent driving of the driver of the Van bearing registration No.AP-02-U-4399. So, the only point that arises for determination in this appeal is whether the appellant-claimant is entitled for enhancement of compensation as claimed.

6. It is evident from the record, particularly the medical bills, that the appellant-claimant spent an amount of Rs.1,03,674/- towards medical expenses. The Tribunal granted the said amount to the appellant-claimant, as there was no record to show that he incurred an amount of Rs.3,00,000/- towards medical expenses, as claimed. There is justification in granting an amount of Rs.1,03,674/- towards medical expenses. Further, the Tribunal added some amount to Rs.1,03,674/- and ultimately granted a compensation of Rs.1,25,000/- to the appellant-claimant.

7. As per the record placed before this Court, the appellant-claimant was working as a Police Constable as on the date of the accident. P.W.2-Dr.D.V.Rajakumar, Neurosurgeon working at Manipal Hospital, Bangalore, is the doctor who treated the appellant-claimant. He deposed that the appellant-claimant underwent two surgeries – (1) for fracture and dislocation of C-2 vertebra; and (2) for fracture of right arm bone, and that the injuries suffered by the appellant-claimant are life threatening and that at the time of admission into hospital, the appellant-claimant was drowsy and obeying simple verbal commands.

Considering the totality of circumstances and the nature of injuries, this Court is inclined to award an amount of Rs.50,000/- in addition to the compensation of Rs.1,25,000/- granted by the Tribunal.

8. Accordingly, this appeal is allowed in part modifying the order, dated 30.09.2004, passed in O.P.NO.168 of 2003 by the Tribunal, enhancing the compensation from Rs.1,25,000/- to Rs.1,75,000/- with interest at the rate of 7.5% per annum on the enhanced amount of compensation from the date of petition till realisation. On deposit of the compensation, the appellant-claimant is permitted to withdraw the entire amount along with the interest accrued thereon. The other terms of the Order under challenge remain unaltered.

Miscellaneous Petitions pending, if any, shall stand closed.

No order as to costs.

28th June, 2018
Bvv

Dr. SHAMEEM AKTHER, J