

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3680 of 2005

JUDGMENT:

Aggrieved by the grant of compensation of Rs.14,500/- as against a claim of Rs.1,00,000/- by the Motor Accident Claims Tribunal-cum-III Additional District Judge (FTC), Adilabad at Asifabad ('the Tribunal' for brevity), vide order, dated 16.09.2005, passed in O.P.No.922 of 2002, 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 both sides and perused the record.

3. The learned counsel for the appellant-claimant would contend that the appellant-claimant suffered three grievous injuries and one simple injury in the subject accident occurred on 24.09.2002. The Tribunal granted a meagre compensation of Rs.14,500/- as against a total claim of Rs.1,00,000/- 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 elaborately dealt with the nature of the injuries suffered by the appellant-claimant in the subject accident and the consequences arose therefrom and rightly granted a compensation of Rs.14,500/-. There are no circumstances to enhance the compensation and ultimately prayed to dismiss the appeal by confirming the Order under Challenge.

5. It is not in dispute that the appellant-claimant sustained injuries in the subject accident occurred on 24.09.2002, due to rash and negligent driving of the driver of the auto bearing registration No.AP-01-U-4388. The only point that arises for determination in this appeal is whether the appellant-claimant is entitled for enhancement of compensation as claimed.

6. As per Ex.A.2-Xerox copy of Wound Certificate and the oral evidence of P.W.1 (appellant-claimant), the appellant-claimant suffered three grievous injuries and one simple injury in the subject accident occurred on 24.09.2002. The Tribunal, after analysing the entire evidence on record, granted an amount of Rs.5,000/- towards loss of earnings, Rs.500/- towards transportation expenses, Rs.3,000/- towards medical expenses and extra nourishment, and Rs.6,000/- for the injuries. In all, the Tribunal granted a compensation of Rs.14,500/- with interest @ 7.5% per annum from the date of petition till realisation. When the appellant-claimant suffered three grievous injuries and one simple injury in the subject accident, the Tribunal ought to have granted some more amount as compensation towards injuries and the consequences arose therefrom. In view the same, this Court is inclined to grant another Rs.15,000/- as compensation for the injuries, in addition to the amount granted by the Tribunal. Thus, the appellant-claimant is entitled for a total compensation of Rs.29,500/- with interest @ 7.5% per annum on the enhanced amount of compensation.

7. Accordingly, the appeal is allowed in part, modifying the order, dated 16.09.2005, passed in O.P.No.922 of 2002 by the Tribunal, enhancing the compensation from Rs.14,500/- to Rs.29,500/-. The

enhanced amount of compensation carries interest at the rate of 7.5% per annum from the date of petition till realisation. On deposit of the enhanced compensation, the appellant-claimant is permitted to withdraw the same along with the interest accrued thereon. Other terms of the Order under challenge remain unaltered.

Pending Miscellaneous Petitions, if any, shall stand closed.
There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

06th September, 2018
Bvv

