

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3362 of 2005

JUDGMENT:

This appeal is filed under Section 173 of the Motor Vehicles Act, 1988 (for short 'the Act'), by the appellant-claimant aggrieved by the order dated 07.02.2005 in O.P.No.814 of 2001 on the file of the Motor Accident Claims Tribunal-cum-Principal District Judge, Ranga Reddy District at L.B.Nagar, Hyderabad (for short 'the Tribunal').

2. Heard the learned counsel for appellant-claimant, the learned counsel for respondent-APSRTC and perused the record.

3. Learned counsel for the appellant-claimant would contend that though the appellant suffered two grievous injuries, the Tribunal did not grant just and reasonable compensation and ultimately prayed to enhance the compensation. He further contended that the Tribunal granted interest from the date of order not from the date of petition and ultimately prayed to grant interest from the date of petition.

4. Learned counsel for the respondent-APSRTC would contend that the Tribunal had dealt with all the heads meticulously and granted just and reasonable compensation on all heads and there are no grounds to enhance the compensation and ultimately prayed to dismiss the appeal.

5. As per the evidence of P.W.1-injured, he suffered two fractures and a steel rod was inserted and both the fractures healed. As per Ex.A5-receipt, the doctor received Rs.15,000/- for conducting operation and for insertion of rod.

6. The Tribunal granted Rs.40,000/- for fractures, Rs.15,000/- i.e., amount covered under Ex.A5, Rs.7,062/- towards medical bills, Rs.5,000/- towards loss of earnings, Rs.5,000/- towards pain and suffering and Rs.5,000/- towards extra-nourishment. In all, the Tribunal granted compensation of Rs.77,062/-.

7. It is evident from the record that at the time of accident, the appellant was working as security guard and earning Rs.2,500/- per month. As the appellant sustained fracture injuries for taking bed rest for two months, Rs.5,000/- was granted towards loss of earnings. There is justification in doing so. Though the appellant contended that a steel rod was inserted, the doctor-Sunil Bhandari was not examined. Further, the appellant has not produced any X-ray to show that the steel rod was removed. Except his self serving statement, there is no other evidence. However, the Tribunal granted Rs.15,000/- towards the amount paid to the doctor under Ex.A5. Taking into consideration all the circumstances, the Tribunal had granted Rs.77,062/-, which is just and reasonable compensation. There is nothing to take a different view.

8. The Tribunal granted the said compensation from the date of award. The Tribunal did not assign any reasons in granting interest from the date of order. It ought to have granted interest from the date of petition till the date of realisation and hence, the same is liable to be modified.

9. In the result, the appeal is allowed in part modifying the order passed by the Tribunal only to the extent i.e, awarding

interest on the compensation of Rs.77,062/- from the date of petition till the date of realisation.

Miscellaneous Petitions pending, if any, shall stand closed.

Dr. SHAMEEM AKTHER, J

Date: 20.07.2018
ssp

