

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2823 of 2005

JUDGMENT:

Aggrieved by the grant of compensation of Rs.4,500/- as against a claim of Rs.50,000/- by the Chairman, Motor Accident Claims Tribunal-cum-III Additional District Judge (FTC), Adilabad at Asifabad ('the Tribunal', for brevity), vide order, dated 18.07.2005, passed in O.P.No.224 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 the sides and perused the record.

3. The learned counsel for the appellant-claimant would contend that the Tribunal granted a meagre compensation of Rs.4,500/- as against a claim of Rs.50,000/- 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 is justified in granting a compensation of Rs.4,500/- with interest @ 7.5% per annum from the date of petition till the date of payment or deposit. The findings of the Tribunal are based on oral and documentary evidence on record. There are no circumstances to enhance the compensation and ultimately prayed to dismiss the appeal.

5. It is not in dispute that the appellant-claimant suffered injuries in the motor accident occurred on 09.10.2001, due to rash

and negligent driving of the driver of the jeep bearing registration no.AP-15-H-1101. So, the only point that arises for consideration in this appeal is whether the appellant-claimant is entitled for enhancement of compensation.

6. As per the oral and documentary evidence on record, particularly Ex.A.2-Xerox copy of Wound Certificate, the appellant-claimant suffered two lacerated wounds and five abrasions in the subject accident. The appellant-claimant is a growing boy aged 8 years as on the date of accident. Considering the totality of the circumstances, this Court deems it appropriate to grant a total compensation of Rs.10,000/- to the appellant-claimant, with interest @ 7.5% per annum on the enhanced compensation.

7. Accordingly, this appeal is allowed in part, modifying the order, dated 18.07.2005, passed in O.P.No.224 of 2002 by the Tribunal, enhancing the compensation payable to the appellant-claimant from Rs.4,500/- to Rs.10,000/-. The enhanced amount of compensation carries interest at the rate of 7.5% per annum from the date of application till realisation. The other terms of the Order under challenge remain unaltered. On deposit of the compensation, the appellant-claimant is permitted to withdraw the entire amount with interest accrued thereon.

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

Dr. SHAMEEM AKTHER, J

18th July, 2018
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