

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.1568 OF 2005

JUDGMENT:

Appellant-claimant filed this appeal against the Judgment and Decree dated 28.06.2004 passed in O.P.No.2114 of 2002 by the XXI Additional Chief Judge-cum-Motor Accidents Claims Tribunal-cum-VII Additional Metropolitan Sessions Judge, Red Hills, Nampally, Hyderabad (for short the Tribunal), whereby the Tribunal granted an amount of Rs.44,926/- towards compensation along with interest @ 9% per annum as against the claim of Rs.2,00,000/- on account of the injuries sustained by the appellant in a motor vehicle accident occurred on 03.06.2002.

2. The manner of accident and the injuries sustained by the appellant-claimant are not in dispute and the appellant challenged the impugned award only on the quantum of compensation awarded by the Tribunal. Therefore, this Court is not inclined to go into other details other than the quantum of compensation.

3. Sri E.Venugopal Reddy, learned counsel representing Sri Y.Veeranna Babu, learned counsel for the appellant, submitted that the Tribunal erroneously granted meager compensation for the injuries sustained by the appellant and sought to enhance the same.

4. Sri N.Vasudeva Reddy, learned Standing Counsel for the respondents-RTC, submitted that the Tribunal passed a well reasoned order by appreciating the evidence adduced before it and sought to dismiss the appeal.

5. In the accident, the appellant sustained fracture to right leg, fracture to right wrist, injury to forehead and right chest as per the evidence of P.W.2, the doctor who treated the appellant. Taking into consideration the said evidence, the Tribunal awarded total compensation of Rs.44,926/- i.e., Rs.10,926/- towards medical bills, Rs.2,000/- towards inevitable expenditure for transport and extra-nourishment and Rs.32,000/- towards pain/shock and suffering. However, the Tribunal disbelieved Ex.A.3-disability certificate, as P.W.2, in his cross-examination, admitted that he did not operate the appellant. In view of the evidence of P.W.2, this Court also disbelieves Ex.A.3-disability certificate. The Tribunal did not grant any amount towards loss of income, but in view of the injuries sustained by the appellant, this Court is inclined to grant two month's income to the appellant.

6. As the appellant sustained two fracture non surgical injuries, two simple injuries and other bleeding injuries, this Court feels that it would be appropriate to enhance the compensation under various heads as follows:

Sl.No.	Name of Head	Awarded by Tribunal	Awarded by this Court
01.	Pain, shock and suffering	Rs.32,000/-	Rs.32,000/-
02.	Two simple injuries	---	Rs.10,000/-
03.	Medical bills	Rs.10,926/-	Rs.10,926/-
04.	Transportation extra nourishment	Rs.2,000/-	Rs.7,000/-
05.	Loss of income for one month Rs.6,500/-x 2	---	Rs.13,000/-
TOTAL		Rs.44,926/-	Rs.72,926/-

7. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed enhancing the compensation amount awarded by the Tribunal from Rs.44,926/- to Rs.72,926/-, which rounded to

Rs.73,000/-. The enhanced compensation amount shall carry interest @ 7.5% per annum.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

T.AMARNATH GOUD, J

Date: 24.09.2019
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