

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.1983 OF 2005

JUDGMENT:

Appellant-claimant filed this appeal against the Judgment and Decree dated 28.06.2004 in O.P.No.2115 of 2002 on the file of the Court of the XXI Additional Chief Judge-cum-Accidents Claims Tribunal-cum-VII Additional Metropolitan Sessions Judge for the trial of Communal Offence Cases, Red Hills, Nampally, Hyderabad (for short, the Tribunal), whereby the Tribunal granted an amount of Rs.42,825/- 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 of 2nd and 3rd ribs of left chest and fracture to right clavicle, fracture of II metacarpal bone and abrasion left knee and right knee 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.42,825/- i.e., Rs.32,000/- towards pain, shock and suffering, Rs.8,825/- towards medical bills and Rs.2,000/- towards transportation and extra nourishment. 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 one month's income to the appellant.

6. As the appellant sustained three fracture 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/-	--
02.	Fracture injuries	---	Rs.30,000/-
03.	Simple injuries	---	Rs.5,000/-

04.	Pain and suffering	---	Rs.10,000/-
05.	Medical bills	Rs.8,825/-	Rs.8,825/-
06.	Transportation and extra nourishment	Rs.2,000/-	Rs.7,000/-
07.	Loss of income for one month	---	Rs.6,500/-
TOTAL		Rs.42,825/-	Rs.67,325/-

7. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed enhancing the compensation amount awarded by the Tribunal from Rs.42,825/- to Rs.67,325/-. The enhanced 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
TJMR

