

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.1460 OF 2006

JUDGMENT:

The Appellant-claimant filed this appeal against the Order dated 23.03.2006 in O.P.No.970 of 2004 on the file of the IV Additional District and Sessions Judge, (FTC) Ranga Reddy District (for short, the Tribunal), whereunder the Tribunal granted an amount of Rs.56,000/- towards compensation along with interest @ 7.5% per annum as against the claim of Rs.3,00,000/- on account of the injuries sustained by the appellant in the motor vehicle accident occurred on 23.09.2004.

2. The manner of accident and the injuries sustained by the appellant-claimant are not in dispute and the appellant challenged the impugned Order 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 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 counsel for respondent/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 occurred on 23-09-2004, the appellant sustained comminuted fracture of right shaft humerus and type-II tibial condyle fracture. He was admitted on Apollo Hospital on 23-09-2004 and discharged on 01-10-2004. Ex.A4 is the discharge summary issued by Apollo Hospital. P.W.2, the doctor who treated the appellant, deposed that appellant has to undergo second surgery for removal of implants. He also assessed the disability at 45%, but no disability certificate is filed. It is submitted on behalf of the appellant that the appellant was on leave for a period of four months and to prove the said fact, he filed Ex.A5 pay slip showing his salary at Rs.12,270/- per month and Ex.A6 leave certificate. The Tribunal granted Rs.40,000/- towards pain and suffering, Rs.3,000/- towards transportation charges, Rs.3,000/- towards extra nourishment and Rs.10,000/-towards future surgery, total Rs.56,000/- with interest at the rate of 7.5% per annum from the date of petition till the date of realization.

6. As the appellant sustained grievous injuries and he requires further surgery for removal of implants, this Court feels that it would be just and proper to enhance the compensation under various heads as follows:

Sl.No.	Name of Head	Awarded by Tribunal	Awarded by this Court
01.	Pain and suffering	Rs.40,000/-	Rs.60,000/-
02.	Transportation charges	Rs. 3,000/-	Rs.3,000/-
03.	Extra nourishment	Rs. 3,000/-	Rs.3,000/-
04.	Future surgery	Rs.10,000/-	Rs.50,000/-
05.	Loss of earnings	--	Rs.49,000/-
06.	Loss of amenities	--	Rs.10,000/-
TOTAL		Rs.56,000/-	Rs.1,75,000/-

7. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed enhancing the compensation amount awarded by the Tribunal from Rs.56,000/- to Rs.1,75,000/-. 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: 31-10-2019
Shr

