

THE HONOURABLE SRI JUSTICE A. RAJASHEKER REDDY

MA.CMA. No.3514 of 2005

JUDGMENT:

This appeal is filed by claimant Nos.2 and 3 in O.P.No.407 of 1999 on the file of Chairman, Motor Accident Claims Tribunal-cum-V Additional District Judge, Nizamabad, for enhancement of compensation granted by Tribunal to a tune of Rs.38,648/- whereas they claimed a sum of Rs.3,00,000/- therefor.

Learned counsel for appellants submits that no amount was granted towards attendant charges though deceased claimant No.1, who is husband and father of appellant Nos.2 and 3, respectively, was hospitalized for one month and that though claimant No.1 suffered fracture injury and took treatment therefor, only meager amount was granted towards extra-nourishment, as such, same requires to be enhanced.

Learned Standing Counsel for respondent Corporation submits that Tribunal has rightly considered the matter and granted Rs.5,000/- towards extra-nourishment as deceased was hospitalized for one month.

It is to be seen that claimant No.1, while he was alive, filed O.P.No.407 of 1999 for compensation in respect of injuries sustained by him in the subject accident, but, during pendency of that O.P. i.e., 3½ years after accident, he died, but, claimant Nos.2 and 3 set up claim that claimant No.1 died due to injuries sustained in subject accident, however, Tribunal did not believe the same on the ground that no evidence is produced by claimants 2 and 3 to that effect. Ex.A.21 – death certificate relied on by claimants 2 and 3 shows that it is a natural death. In view of same, only issue, which requires to be considered, is whether compensation awarded by Tribunal in impugned order requires enhancement or not, as other issues need not be dealt with, because, they are already decided by Tribunal.

It is to be seen further that admittedly, deceased claimant No.1 underwent operation, due to which, he was there in hospital for 27 days. Taking into account the said aspect, this Court feels that Rs.5,000/- granted by Tribunal towards extra-nourishment is on lower side, as such, same is enhanced to Rs.20,000/-, and Rs.10,000/- can be granted towards attendant charges.

The enhanced compensation is apportioned among appellants in proportion to the amounts granted to them by Tribunal.

In the result, this appeal is allowed in part, enhancing the compensation from Rs.38,648/- to Rs.63,648/-. However, on the enhanced compensation of Rs.25,000/-, appellants are entitled to interest @7.5% per annum from the date of petition till realization.

Consequently, Miscellaneous Petitions, if any pending, shall stand disposed of. No order as to costs.

2nd APRIL, 2019.

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A. RAJASHEKER REDDY, J

