

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 2239 OF 2009

JUDGMENT:

This appeal is directed against the Award dated 22.08.2007 passed by the Motor Accidents Claims Tribunal-cum-VI-Additional District Judge, (FTC) Nizamabad at Kamareddy (for short 'the Tribunal), in M.V.O.P.No.1638 of 2002 whereby the Tribunal awarded compensation of Rs.10,000/- on account of the injuries sustained by the claimant in a motor vehicle accident that occurred on 25.09.1995.

2. For the sake of convenience, the parties herein are referred to as arrayed in the Court below.

3. Being dissatisfied with the quantum of compensation passed by the Tribunal, the claimant filed this appeal seeking enhancement of compensation on the ground that he received fracture on right clavicle, back bone, both bones of legs and other injuries on all parts of the body and that he underwent treatment as in-patient in the hospital for a considerable time and incurred more than Rs.50,000/- and that the Tribunal without considering the same has awarded lump sum compensation contrary to the settled principles of law.

4. There is no dispute with regard to the manner of accident and the injuries sustained by the claimant.

5. The judgment passed by the Tribunal is well considered, requires no consideration and the reason of delay in filing appeal after seven years is not explained properly. That apart the claimant has not filed any proof with regard to the disability from the Medical Board and PW.2 is not the doctor, who issued Ex.C.1 – disability certificate and the doctor, who issued Ex.C.1 is not examined. However, the accident cannot be ruled out and the amount of pain and suffering, the petitioner underwent during the period of treatment is also the issue that has to be considered. Hence, this Court feels that Rs.10,000/- as compensation is suffice, if the same is awarded in favour of the petitioner under the head of pain and suffering.. In so far as extra-nourishment Rs.5,000/- has been granted. Thus, there is total enhancement of compensation is Rs.15,000/-. The respondents are directed to pay the enhanced compensation within three months from the date of the judgment. The claimant is entitled to withdraw the same soon after the deposit is made.

6. In view of the above, the appeal is allowed-in-part and the compensation granted by the Tribunal is enhanced from Rs.10,000/- to Rs.15,000/- (Rupees fifteen thousand only).

The enhanced compensation amount shall carry interest @ 6% per annum from the date of petition till the date of realization. There shall be no order as to costs.

11.06.2019
kvrn

T.AMARNATH GOUD,J

