

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

M.A.C.M.A. No. 2422 of 2005

ORDER :

This appeal is filed by the appellant against the judgment and decree dated 29.10.2002 in O.P.No.1036 of 1998, wherein the Motor Vehicles Claims Tribunal granted an amount of Rs.25,000/- towards compensation out of Rs.1,00,000/- claimed, along with interest at the rate of 9% per annum from the date of application till the date of realization with costs, in respect of injuries sustained by the appellant.

2. The facts that the occurrence of the accident, sustaining injuries by the appellant are not in dispute. The appellant, who is claimant before the Tribunal, filed this appeal for enhancement of compensation.

3. Heard learned counsel for the appellant, who submits that though the appellant sustained fracture injuries, the Tribunal, without considering the same, granted only an amount of Rs.25,000/- stating that the injuries are simple in nature. He submits that the compensation awarded by the Tribunal itself is meager and is on lower side.

4. Sri N.Mohana Krishna, learned Standing Counsel appearing for the 3rd respondent submits that except examining himself, the appellant has not examined the Doctor who treated him and no disability certificate is filed, as such, no amount can be granted towards disability.

4. In this case, it is to be seen that due to accident, appellant sustained injuries on left knee joint, forehead and also lost two teeth. A perusal of Ex.A4 C.T Pelvis report goes to show that the appellant suffered fracture of posterior wall of left acetabulum into fragments. Since the appellant failed to examine the Doctor who treated him at the time of the accident, the Tribunal by considering the nature of injuries sustained by him granted Rs.25,000/- only towards pain and suffering, medical expenses, transportation and extra nourishment.

In view of above facts and circumstances, since the appellant has sustained one fracture injury apart from other simple injuries, this Court is of the considered opinion that an amount Rs.25,000/- can be granted towards fracture sustained by the appellant in addition to the amount of Rs.25,000/- awarded by the Tribunal.

Accordingly, this Appeal is allowed in part and the compensation granted by the Tribunal i.e., Rs.25,000/- is enhanced to Rs.50,000/- (Rupees fifty thousand only) along with interest at the rate of 7.5% per annum on the enhanced amount, from the date of petition till the date of realization. No costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY, J

22.01.2019.
KVS

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

M.A.C.M.A. No.2422 OF 2005

Date: 21-01-2019

KVS

