

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

MACMA.No.3497 of 2005

JUDGMENT:

Having dissatisfied, with the award of Rs.74,000/- as compensation for the injuries sustained by the appellant in a road accident, by the award and decree dated 14-11-2002 in OP.No.1409 of 2000 on the file of the Motor Accident Claims Tribunal-cum-Additional Special Judge for SPE and ACB Cases-cum-V Additional Chief Judge, City Civil Court, Hyderabad. (for short, 'the Tribunal') as against the claim of Rs.1,00,000/-, she preferred the instant appeal under Section 166 of the Motor Vehicles Act, seeking enhancement of compensation.

The appellant is the injured who is the petitioner, while respondents 1 and 2 herein were respondents 1 and 2 respectively, in the original petition.

For the sake of convenience, the parties are hereinafter referred to as they were arrayed before the Tribunal in the original petition.

Learned counsel for the appellant submits that the amount granted towards pain and suffering is on lower side and no amount is granted towards extra-

nourishment and no amount is granted towards loss of earnings and also towards attendant charges.

On the other hand, learned Standing Counsel appearing for the 2nd respondent submits that the Tribunal has considered the issue and granted adequate compensation and no interference is called for.

The factual background of the case in brief is that on 30-06-2000 at 2 am while the petitioner and three others were working at Masabtank, Hyderabad as labourers under a contractor, one Hero Honda motor cycle bearing No.AP 7 K 3416 was driven by the 1st respondent in a rash and negligent manner and gave dash to her. Due to which, the petitioner sustained fracture injury. Therefore, the petitioner is claiming an amount of Rs.1,00,000/- towards compensation against the respondents. Respondents opposed the claim and filed counters opposing the averments made in the petition.

On the basis of above pleadings, the following issues are settled for trial:

1. Whether the petitioner sustained injuries on 29-06-2000 due to rash and negligent driving of 1st respondent's Hero Honda?

2. Whether the petitioner is entitled for compensation if so, to what amount and from whom?
3. To what relief?

After considering the evidence of PWs 1 and 2 examined on behalf of petitioners and Ex.A-1 to A-6 and Ex.B1 copy of policy marked, granted an amount of Rs.74,000/- out of claim of Rs.1,00,000/-. Against the same, the present appeal is filed.

In this case it is to be seen that though the petitioner suffered multiple fractures, the Tribunal granted Rs.5,000/- towards pain and suffering, which is on lower side and no amount is granted towards attendant charges while the petitioner was undergoing treatment and no amount is granted towards loss of earnings during the period when petitioner was taking treatment.

In view of the same, the amount awarded by the Tribunal towards pain and suffering can be enhanced from Rs.5,000/ to Rs.15,000/- and Rs.1,00,000/- is granted towards loss of earnings and attendant charges. Insofar as other amounts i.e. Rs.46,080/- towards disability, Rs.23,000/- towards medicines, extra-nourishment and other incidental charges granted by the Tribunal are confirmed.

Thus, the petitioner is entitled for amounts under the following heads mentioned as under:

Towards disability	Rs.46,080/-
Medicines, extra nourishment and other incidental charges	Rs.23,000/-
Pain and suffering	Rs.15,000/-
Loss of earnings and attendant charges	Rs.1,00,000/-
Total	Rs.1,84,080/- rounded off to Rs.1,84,000/-.

Accordingly, a total sum of Rs.1,84,000/- - (Rupees one lakh and eighty four thousand only) towards compensation is granted as against Rs.74,000/- granted by the Tribunal,. Since the rate of interest awarded by the Tribunal at 7.5% per annum is in accordance with the rate of interest awarded by the Supreme Court in **Rajesh v. Rajbir**¹, the same rate of interest is awarded on the enhanced amount from the date of claim petition till realisation.

Accordingly, the appeal is allowed to the extent indicated above by enhancing the compensation, as indicated above, and confirming the same in all other respects. There shall be no order as to costs. As a sequel

¹ 2013ACJ 1403=2013(4) ALT 35

thereto, miscellaneous applications, if any pending in the instant appeal, stand disposed of.

A.RAJASHEKER REDDY,J

11-02-2019

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