

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.1569 OF 2006

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Order and Decree dated 15.5.2001 passed in O.P.No.607 of 1996 by the District Judge (Motor Accidents Claims Tribunal), Medak at Sanga Reddy (for short 'the trial Court').

2. This is a case of injury. As against the claim of Rs.1,00,000/-, the trial Court awarded a sum of Rs.24,300/-. Aggrieved thereby, the present Appeal is filed.

3. Heard and perused the record.

4. Learned counsel for the appellant submitted that the Tribunal granted meager amount and sought to enhance the compensation amount.

5. The learned Standing Counsel Sri N.Vasudeva Reddy appearing for APSRTC contended that the award passed by the Tribunal is a well considered one and needs no interference by this Court and prayed to dismiss the appeal.

6. As per Ex.A4-Injury Certificate, there are five injuries, out of which, four are simple and one grievous in nature. Ex.A7 issued by P.W.3 assessing disability at 40% cannot be considered as the accident took place on 24.5.1996 and the said Certificate was issued on 23.3.2001 by P.W.3 only on examining the claimant. P.W.3 is not the Doctor who treated the claimant.

7. Having regard to the facts and circumstances of the case and in view of the injuries sustained by the appellant, this Court feels that the amount awarded is meager and the same needs to be enhanced under various heads. A sum of Rs.25,000/- towards deformity of leg, Rs.10,000/- towards pain and suffering, Rs.5,000/- towards extra nourishment and Rs.2,000/- towards transportation.

8. In the result, the Motor Accident Civil Miscellaneous Appeal is allowed by enhancing the compensation amount awarded by the Tribunal from Rs.24,300/- to Rs.42,000/-. The appellant is entitled to interest @ 7.5% per annum on enhanced compensation from the date of petition till realization, as per the decision of the Apex Court in **Rajesh and others v. Rajbir Singh and others**¹. The respondents are directed to deposit the enhanced amount along with proportionate costs and interest within two (02) months from the date of receipt of a copy of this order. On such deposit, the appellant is permitted to withdraw the entire amount. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in this appeal shall stand disposed of.

T.AMARNATH GOUD, J

Date: 18.10.2019
DA

¹ 2013 ACJ 1403 = 2013 (4) ALT 35

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18.10.2019