

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 423 OF 2011

JUDGMENT:

This appeal is directed against the Award dated 03.11.2009 passed by the VII Additional Metropolitan Sessions Judge-cum-XXI-Additional Chief Judge, Hyderabad (for short 'the Tribunal), in M.V.O.P.No.1553 of 2007 whereby the Tribunal awarded compensation of Rs.3,78,949/- against the claim of Rs.5,00,000/- on account of the injuries sustained by the claimant in a motor vehicle accident that occurred on 04.06.2006.

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 granted by the Tribunal, the claimant filed this appeal seeking enhancement of compensation.

4. The judgment passed by the Tribunal is well considered and hence requires no consideration except for the two fracture injuries, fracture of right leg and right hand as per Ex.A.1 and pain suffering.

5. The amount of Rs.50,000/- granted towards pain and suffering sustained by the claimant due to injuries is not sufficient, enhanced to Rs.30,000/- for each grievous injury i.e. Rs.60,000/- and for two fracture injuries sum of Rs.10,000/- is awarded. Thus, there is total enhancement of compensation is Rs.20,000/-. The vehicle is covered under the policy cover note and the same is

valid from 14.02.2006 to 14.02.2007 and the accident occurred on 04.05.2006 during the policy period. At the time of accident, the 1st respondent having learners driving license and was also not accompanied by any person with permanent driving license. Therefore, this Court cannot interfere with the liability of the 1st respondent. However, as per the decision of the Apex Court in **National Insurance Company Limited v Swaran Singh**¹ the insurance company shall pay the amounts awarded towards compensation within three months from the date of the judgment and then recover the same from the 1st respondent. The claimant is entitled to withdraw the same soon after the deposit is made.

6. In view of the above, the appeal is allowed and the compensation granted by the Tribunal is enhanced from Rs.3,78,949/- to Rs.3,98,949/- (Rupees three lakhs ninety eight thousand nine hundred forty nine only) with interest @ 6% per annum from the date of petition till the date of realization. There shall be no order as to costs.

Miscellaneous petitions if any, pending shall stand closed.

01.08.2019
kvrn

T.AMARNATH GOUD,J

¹ 2004 ACJ 1 SC