

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.3535 OF 2005

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Order and Decree dated 22.01.2003 in OP.No.872 of 1998 on the file of the Motor Accident Claims Tribunal-cum-Additional District Judge, Adilabad (for short, the Tribunal).

2. The brief facts of the case are that on 13.04.1996 at about 2.30 pm., while the appellant was carrying water nearby Sai Baba Temple in Mandamarri, a bus bearing No.AP9Z 6873 came from B Zone at high speed proceeding towards Market Bus Stand and dashed the appellant, due to which, the appellant sustained crush injury to her right leg, left leg and other parts of body. During the treatment, the right leg of the appellant was amputated. The appellant filed aforesaid OP against the respondent-RTC, claiming compensation of Rs.2,50,000/- for the injuries sustained by her.

3. Before the Tribunal, the respondent filed counter denying the averments of the claim petition and contended that the amount claimed is excessive and prayed to dismiss the claim petition.

4. After considering the oral and documentary evidence on record, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the bus and awarded total compensation of Rs.1,48,000/- under various heads with interest @ 9% per annum. Dissatisfied with the

quantum of compensation, the appellant filed the present appeal, seeking enhancement of the same.

5. Sri B.Narayana Reddy, learned counsel for the appellant, submitted that the Tribunal took the income of the appellant at Rs.1,200/- per month, which is meager. He further submitted that though the Tribunal took the disability of the appellant into consideration, it did not take into account the future prospects. He also sought to enhance the compensation under the heads of medical and other expenditure.

6. Sri A.Ravi Babu, learned Standing Counsel for the respondent, submitted that the Tribunal passed a well reasoned order by considering the evidence on record and sought to dismiss the appeal.

7. Basing on Ex.A.4, handicapped certificate, the Tribunal took the disability of the appellant at 75%, which needs no interference. However, the Tribunal took the notional income of the appellant at Rs.1,000/- per month, which is lower side and the same is increased to Rs.1,200/- per month, in the facts and circumstances of the case. Apart from the same, the appellant is entitled to addition of 10% on her income towards future prospects, as per the ratio laid down by the Hon'ble Supreme Court in **National Insurance Co. Ltd. Vs. Pranay Sethi**¹. As the appellant was aged about 50 years at the time of accident, the appropriate multiplier

¹ 2017(6) ALD 170 (SC)

is '13'. Hence, the compensation under the head 'permanent disability' comes to Rs.1,54,440/- {Rs.1,320/- (Rs.1,200/- + 10%) X 12 X 13 X 75%}. The other amounts granted by the Tribunal i.e., Rs.10,000/- towards pain and suffering, Rs.10,000/- towards medical treatment and extra nourishment, Rs.15,000/- towards injuries and Rs.5,000/- need no interference and the same are confirmed.

8. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed enhancing the compensation amount awarded by the Tribunal from Rs.1,48,000/- to Rs.1,94,440/-. The enhanced amount shall carry interest @ 7.5% per annum from the date of claim petition till realization. Miscellaneous petitions pending, if any, shall stand closed. No costs.

Date: 23.10.2019
TJMR

T.AMARNATH GOUD, J