

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.2360 OF 2006

JUDGMENT:

Appellant-claimant filed this appeal against the Order and Decree dated 05.09.2006 in O.P.No.913 of 2005 on the file of the Chairman, Motor Accidents Claims Tribunal-cum-II Additional District Judge, Warangal (for short, 'the Tribunal'), whereunder the Tribunal granted an amount of Rs.65,500/- towards compensation along with interest @ 6% per annum, as against the claim of Rs.2,00,000/-, on account of the injuries sustained by the appellant in the motor vehicle accident occurred, on 04.02.2005.

2. The manner of accident and the injuries sustained by the appellant-claimant are not in dispute and the appellant challenged the impugned award on the quantum of compensation as well as the rate of interest awarded by the Tribunal. Therefore, this Court is not inclined to go into other details other than the quantum of compensation.

3. Sri V.M.M.Chary, learned counsel for the appellant, submitted that the Tribunal erroneously granted meager compensation for the injuries sustained by the appellant and also less rate of interest and sought to enhance the same.

4. Sri V.Sambasiva Rao, learned Standing Counsel for the second respondent-Insurance Company, submitted that the Tribunal passed a well reasoned order by appreciating the evidence adduced before it and sought to dismiss the appeal.

5. In the accident, the appellant sustained grievous injuries and due to fracture to his left leg, steel rods were affixed therein, still they are not removed and they have to be removed after two years, and for that, he will incur an estimated cost of Rs.10,000/-. Exs.A2-wound certificate, A4-bunch of medical

bills and A6-medical prescriptions etc. also support the contention of the appellant that he sustained comminuted fracture. Taking into account the age, avocation, nature of injuries sustained by the appellant, including the oral evidence of P.W.2, and also the documentary evidence, the trial Court awarded Rs.10,000/- towards future surgery and Rs.35,000/- towards medical expenses, extra nourishment and attendant charges. Though the appellant got operated by affixing rods in his left leg, the Tribunal awarded less amount towards medical expenses, extra nourishment, attendant charges and future surgery. However, keeping in view of the amount of expenditure incurred by the appellant, this Court is inclined to enhance the compensation by Rs.10,000/- (i.e. from Rs.35,000/- to Rs.45,000/-) towards medical expenses, extra nourishment and attendant charges, and Rs.10,000/- (i.e. from Rs.10,000/- to Rs.20,000/-) towards future surgery, in addition to the amount awarded by the Tribunal. This Court is of the view that the rate of interest awarded by the Tribunal at 6% per annum is very less. This Court, in matters of this nature, is awarding the rate of interest at 7.5% per annum.

6. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed enhancing the compensation amount awarded by the Tribunal from Rs.65,500/- to Rs.85,500/- (Rupees Eighty Five Thousand Five Hundred only). The entire amount shall carry interest @ 7.5% per annum from the date of petition till the date of deposit. Miscellaneous petitions pending, if any, shall stand closed. No costs.

T.AMARNATH GOUD, J

Date:13-11-2019
GJ

