

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 2194 OF 2009

JUDGMENT:

This appeal is directed against the Award dated 26.11.2007 passed by the Motor Accidents Claims Tribunal-cum-I-Additional District Judge, Adilabad (for short 'the Tribunal'), in M.V.O.P.No.229 of 2004 whereby the Tribunal awarded compensation of Rs.70,016/- on account of the injuries sustained by the claimant in a motor vehicle accident that occurred on 14.10.2003.

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 passed by the Tribunal, the claimant filed this appeal seeking enhancement of compensation on the ground that he received fracture of left collar bone, left knee, left shoulder, injuries on left tibia and other injuries on all parts of the body and that he underwent treatment as in-patient in the hospital for a considerable time and incurred more than Rs.50,000/- and that the Tribunal without considering the same has awarded lump sum compensation contrary to the settled principles of law.

4. There is no dispute with regard to the manner of accident and the injuries sustained by the claimant.

5. The judgment passed by the Tribunal is well considered, requires no consideration. That apart the claimant has not filed any proof with regard to the disability from the Medical Board and PW.2 is not the doctor, who issued Ex.P.3 – injury certificate and the doctor, who issued Ex.P.3 is not examined. However, the accident cannot be ruled out and the amount of pain and suffering etc. the petitioner underwent during the period of treatment is also the issue that has to be considered.

6. The Tribunal granted Rs.30,000/- towards the treatment for 15 days, pain and suffering, extra nourishment, traveling charges, loss of wages and attendant charges. Hence, this Court feels, it is appropriate to grant additional Rs.10,000/- towards pain and suffering, Rs.3,000/- towards notional income and Rs.3,000/- towards extra nourishment. Thus, there is total enhancement of compensation is Rs.16,000/-. The respondents are directed to pay the enhanced compensation within three months from the date of the judgment. The claimant is entitled to withdraw the same soon after the deposit is made.

7. In view of the above, the appeal is allowed-in-part and the compensation granted by the Tribunal is enhanced from Rs.70,016/- to Rs.86,016/- (Rupees eighty six thousand sixteen only). The enhanced compensation amount of Rs.16,000/- shall carry interest @ 7.5% 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.

18.06.2019
kvrn

T.AMARNATH GOUD,J

