

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO.2071 OF 2005

JUDGMENT:

This appeal is directed against the judgment and decree dated 12.10.2004 passed by the Motor Accidents Claims Tribunal-cum-District Judge, Nizamabad (for short 'the Tribunal'), in O.P.No.465 of 1998, whereby the Tribunal awarded compensation of Rs.7,500/-, against the claim of Rs.1,00,000/-, on account of the injuries sustained by the claimant in a motor vehicle accident that occurred on 22.04.1997.

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 awarded by the Tribunal, the claimant filed this appeal seeking enhancement of compensation on the ground that he received fracture of right hand, multiple and grievous injuries to left leg, crush injury to right foot, multiple and grievous injuries to head, chest, stomach and on various parts of the body and that he underwent treatment as in-patient in the Government Hospital, Yellareddy, for a considerable time and thereafter, he took treatment in private hospitals and incurred more than Rs.40,000/- and on account of such fracture injuries, he suffered permanent disability resulting in loss of future earnings, and that the Tribunal, without considering the nature of

injuries and the extent of disability, has awarded a meager compensation of Rs.7,500/- holding that the injuries suffered by the claimant are simple in nature, which is 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 Tribunal placed reliance upon Ex.A.3-wound certificate, according to which, the claimant suffered three injuries, and observed that the claimant did not file any medical evidence to prove that he sustained fracture injuries to left leg and crush injuries. It was also observed that Ex.A.2-remand case diary also indicated that a case under Section 337 IPC was registered against the driver of the van for causing simple injuries. The Tribunal accordingly awarded an amount of Rs.2,500/- for each injury towards pain and suffering, totaling to Rs.7,500/- for three injuries, along with proportionate costs and interest at the rate of 9% per annum.

6. However, a perusal of Ex.A3-wound certificate shows that the claimant suffered injuries and took treatment for a considerable time in Government Hospital, Kamareddy, from there he was referred to Gandhi Hospital, Secunderabad, took treatment as inpatient for 15 days and thereafter, he continued treatment in private hospitals also

and incurred considerable amount. In view of the same, it can be said that the claimant suffered mental agony during the period of treatment. Hence, this Court feels that it would be just and proper if the compensation awarded by the Tribunal is enhanced from Rs.2,500/- to Rs.5,000/-, for each injury, i.e., from Rs.7,500/- to Rs.15,000/-, in all. 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.7,500/- to Rs.15,000/- (Rupees fifteen thousand only). The enhanced compensation amount of Rs.7,500/- 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.

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T.AMARNATH GOUD,J

Date:14.10.2019

GJ

