

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 219 OF 2012

JUDGMENT:

This appeal is directed against the order dated 29.09.2011 passed by the Motor Accidents Claims Tribunal-cum-V-Additional District Judge (II-FTC), Warangal (for short 'the Tribunal), in M.V.O.P.No.460 of 2010, whereby the Tribunal awarded compensation of Rs.53,000/- on account of the injuries caused in a motor vehicle accident that occurred on 09.12.2009 against the claim of Rs.2,50,000/-.

2. For the sake of convenience, the parties herein are referred to as arrayed in the tribunal.

3. Being dissatisfied with the order passed by the Tribunal, the injured filed this appeal seeking enhancement of compensation contending that the tribunal disbelieved the 10% disability, loss of earnings and future prospects, extra nourishment, attendant charges, transportation etc. as per Ex.A.3-injury certificate issued by the Regional Medical Board and that the compensation granted by the tribunal is very meager.

4. There is no dispute with regard to the manner of accident and involvement of the vehicle. PW.2-Consultant Orthopaedic Surgeon to the Jaya Hospital, Hanamkonda deposed that the injured admitted in Jaya Hospital, sustained injuries i.e. fracture medial condyle right tibia, which is grievous in nature. PW.2 operated the injured on 10.12.2009 with CCS screws and

discharged on 13.12.2009 with advice to take bed rest for six weeks. It is needless to say that the injured required second surgery for removal of implants and expenditure for the medicines, hospitalization, extra nourishment, attendant charges and transportation. In view of the same Rs.90,000/- is considered as reasonable. As the injured suffered mental agony and shock, he is considered for Rs.10,000/-. Though, PW.2, doctor, who treated the injured, assessed 10% disability, the tribunal restricted to 5%, without any basis. Therefore, Rs.1,10,000/- is awarded as claimed by the injured. Insofar as loss of earnings for six months, the injured hospitalized for a week and thereafter, he required further check up and exercise which would prevent him from attending the regular work, Rs.40,000/- was considered. Thus, the injured is entitled for a sum of Rs.2,50,000/- (Rs.90,000/- + Rs.10,000/- + Rs.1,10,000/- + Rs.40,000/-). The compensation amount shall carry interest 7.5% per annum from the date of petition till the date of realization. Respondents 1 to 3 are directed to deposit the compensation amount jointly and severally within three months from the date of this judgment. The injured claimant is entitled to withdraw the compensation amount soon after the deposit is made.

5. In view of the above, the appeal is allowed. There shall be no order as to costs.

Miscellaneous petitions if any, shall stand closed.

T.AMARNATH GOUD,J

Date: 20.08.2019
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