

THE HON'BLE SMT. JUSTICE P.MADHAVI DEVI

M.A.C.MA. No.264 of 2016

ORDER:

This Motor Accidents Civil Miscellaneous Appeal is filed by the appellant seeking enhancement of compensation in the award, order and decree in MVOP No.340 of 2012, dated 29.9.2015 on the file of the Court of the Motor Accidents Claims Tribunal (District Judge) at Nizamabad.

2. This appeal is filed by the claimant who was injured in an accident that occurred on 8.11.2011 at about 12.30 hours. The petitioner along with others was travelling in an auto rickshaw bearing no.AP01X 5357 from Umri(K) village to Tanoor village and the accident occurred with an auto trolley bearing no. AP01X 0799 which came from the opposite direction and the petitioner and others in the auto received grievous injuries. The petitioner was shifted to Government hospital, Bhainsa where he was given first aid and thereafter, the petitioner was shifted to Sheshank hospital, Nizamabad and the petitioner's right leg was amputated. The petitioner had filed the OP No.340/2012 claiming compensation of Rs.10,00,000/- for the injuries

sustained by him. The tribunal has awarded a sum of Rs.5,01,450/- as compensation under various heads. The claimant in the appeal is seeking enhancement of the compensation awarded by accepting the monthly income of the petitioner at Rs.12,000/- as against the monthly income of Rs.6,000/- adopted by the tribunal.

3. Counsel for the appellant, Sri Azar Sravan Kumar and counsel for respondents Ms.S.A.V.Ratnam, represented by Ms.R.Deepa were heard.

4. Having regard to the fact that the petitioner was able bodied person as reported by the claimants, and was gainfully employed, Rs.8,000/- is taken as monthly income and the multiplier 9 is to be applied accordingly. The petitioner is claimed to be aged 60 years while, the tribunal has taken the age of petitioner at 70 years. However, there is no evidence produced before this court by the petitioner or insurance company with regard to the age of the petitioner. Therefore benefit of doubt is given to the petitioner and his age is taken as 60 and the multiplier 9 is to be applied. As regards claim of sum of Rs.20,000/- towards pain and suffering, it being the case of amputation of right leg, it is felt that a sum of Rs.50,000/-

would be reasonable compensation. With regard to the extra nourishment and transportation a sum of Rs.2,000/- + Rs.1,000/- was granted by the tribunal. This court deems it fit and proper to enhance it to Rs.5,000/- + Rs.2,000/- respectively.

5. In the light of the above mentioned discussion, the appellants are entitled to the following amounts:

Head	Compensation awarded
(1) Income	Rs.8,000/- per month
(2) Total income	Rs.96,000/- (Rs.8,000x12)
(3) Multiplier	9
(4) Loss of future income	Rs.8,64,000/- (Rs.96,000x9)
(5) Pain and suffering	Rs.50,000/-
(6) Medical expenses	Rs.9,000/-
(7) Extra Nourishment	Rs.5,000/-
(8) Transportation	Rs.2,000/-
(9) Total compensation awarded	Rs.9,30,000/-along With interest @7%per annum from the date of filing of the claim petition till date of award and with subsequent interest at 6% per annum from the date of this award till realization.

6. The appeal of the claimant is accordingly allowed and the Insurance Company is directed to make the payment of the enhanced amount within a period of 90 days from the date of receipt of the copy of this order.

7. Accordingly, the Motor Accidents Civil Miscellaneous Appeal is allowed. Miscellaneous applications, if any pending, shall also stand closed.

JUSTICE P.MADHAVI DEVI

Date: 21.04.2022
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