

THE HON'BLE SRI JUSTICE M. LAXMAN

CIVIL MISCELLANEOUS APPEAL No.3097 OF 2004

JUDGMENT:

1. The present appeal is directed against the order dated 25.02.2004 passed in O.P.No.1194 of 2000 on the file of the Chairman, Motor Accident Claims Tribunal (I Additional District Judge), Nalgonda wherein the Tribunal has granted compensation of Rs.26,300/- with interest @ 9% per annum from the date of petition till date of realization and ordered both the respondents to pay jointly and severally.

2. Aggrieved by the said order, the present appeal is at the instance of the claimant. The case of the appellant/claimant is that in the accident, he suffered fracture of left Thigh and also suffered other injuries and he underwent surgery for the said fracture and rod was implanted and he incurred expenditure and suffered shortening of leg and he was agriculturist by profession etc., such facts are not in dispute. Tribunal granted the compensation amount without following principles of assessment. The Tribunal is supposed to grant amounts under the pecuniary and non-pecuniary damages.

3. Coming to the pecuniary damages, the claimant/appellant was an agriculturist. He suffered fracture of right thigh and he underwent surgery and rod was also implanted. Such injury and surgery must have made the injured to keep idle for a period of four months and he was performing the agricultural activities. The value of such services is fixed at Rs.3,500/- per month. As such, the claimant is entitled to Rs.3,500/- x 4 = Rs.14,000/-.

4. The claimant incurred a sum of Rs.6,300/- towards Hospital charges under Ex.A5. Considering the nature of injury, a sum of Rs.10,000/- is awarded towards medical and Hospital expenses.

5. The Tribunal has not granted compensation towards future medical expenses and further surgery, which is required for removal of implants. Therefore, a sum of Rs.10,000/- is awarded towards future medical expenses and for removal of rod. A sum of Rs.5,000/- towards transportation charges and extra nourishment during the period of treatment.

6. The petitioner suffered fracture of thigh and other multiple injuries. As such, an amount of Rs.15,000/- is awarded towards pain and suffering.

7. The appellant/claimant is an agriculturist, and the injuries and implants would impact on the rest of the life of the claimant. It also deprives the amenities; as such, a sum of Rs.20,000/- is awarded under the said head. In all, the appellant/claimant is awarded a sum of Rs.74,000/- (Rs. Seventy four thousand only).

8. In the result, the appeal is allowed in part granting compensation of Rs.74,000/- (Rs. Seventy four thousand only) with proportionate costs and interest @ 7.5% per annum on the enhanced compensation from the date of petition till the date of deposit. The Insurance Company is directed to deposit the enhanced amount with interest within a period of two months from the date of receipt of copy of this order, on such deposit, the claimant is entitled to withdraw the entire amount. In the circumstances, there is no order as to costs.

9. As a sequel, pending miscellaneous applications, if any, shall stand closed.

M. LAXMAN, J

DATE: 01.07.2022
BDR