

THE HONOURABLE SMT.JUSTICE P.MADHAVI DEVI

M.A.C.M.A.Nos. 1901 and 2039 OF 2016

COMMON ORDER:

These appeals are filed by the Respondent No.2 Insurance Company/appellant in M.A.C.M.A.No.1901 of 2016 and Petitioner injured/appellant in M.A.C.M.A.No.2039 of 2016, challenging the award passed by the Chairman, Motor Accident Claims Tribunal – Cum – XIV Additional Chief Judge, (Fast Track Court), City Civil Courts, Hyderabad, in M.V.O.P.No.321 of 2012, dated 10.12.2015.

2. Brief facts leading to the filing of these appeals are that the claimant is the injured in the accident that occurred on 31.08.2011 and he sustained fractures to his left trimalleolar, fracture of ankle with ankle joint subluxation, head injury and blunt injuries all over his body.

3. The claimant claimed the compensation of Rs.36,50,000/- whereas Tribunal has granted a compensation of Rs.21,97,152/-. One of the heads under which compensation of Rs.98,400/- was granted is that the claimant's wife had resigned to her job to look after the injured. Therefore, her salary for three months has been granted as compensation against which the Insurance Company has filed MAMCA No.1901 of 2016 before this Court.

4. The learned Standing Counsel for Insurance Company submits that the claimant's wife has resigned the job not because of the accident and the injuries sustained by the claimant, but due to her pregnancy and therefore, the compensation on this ground should not have been granted.

5. The learned counsel representing the claimant submitted that the claimant's wife was not pregnant at the time of accident and that it was subsequent thereto and the claimant's wife had resigned her job only to attend to him and therefore, the Tribunal has rightly granted the compensation.

6. Having regard to the rival contentions, it is not in dispute that the claimant has sustained injuries and was advised bed rest and he had to be looked after by an attendant, who happened to be his wife in this case. The Courts have been granting relief for the expenses incurred for engaging an attendant to look after the injured and in this case, it happens to be the wife of the claimant. The evidence with regard to the gross salary of the claimant's wife was produced before the Court below and after considering the same, compensation for loss of revenue for a period of three months has been granted. Therefore, this Court does not see any reason to interfere with the grant of compensation in this issue.

7. As regards the appeal of the claimant is concerned, the claimant is seeking compensation for the loss of earnings during the period of rest by the claimant i.e., the period of recuperation. The period of recuperation has already been taken as three months for awarding the compensation towards loss of earnings by the claimant's wife. Therefore, this Court deems it fit and proper to award the compensation towards loss of earnings of the petitioner for three months for the period of recuperation i.e. $\text{Rs.}27,983 \times 3 = \text{Rs.}83,949/-$. As regards the expenses incurred towards transport, it is contended that only a sum of $\text{Rs.}3,000/-$ has been awarded. Therefore towards transportation and other incidental expenses, this Court deems it fit and proper to grant a sum of $\text{Rs.}10,000/-$.

8. In the light of the above mentioned discussion, the claimant is entitled to the following amounts:

Sl.No.	Head	Compensation awarded
1.	Loss of earnings to the petitioner for 3 months	$\text{Rs.}27,983 \times 3 = \text{Rs.}83,949/-$
2.	Transportation & other incidental expenses	$\text{Rs.}10,000/-$ (instead of $\text{Rs.}3,000/-$)
	Total	$\text{Rs.}93,949/-$ (inclusive of the transport charges awarded by the Tribunal)

9. Accordingly, the M.A.C.M.A. No.2039 of 2016 is allowed enhancing the compensation from **$\text{Rs.}21,97,152/-$** to **$\text{Rs.}22,88,101/-$** with interest @ 7.5% per annum on the

enhanced compensation with costs from the date of claim petition till the date of payment. The M.A.C.M.A.No. No.1901 of 2016 of the Insurance Company is dismissed. There shall be no order as to costs.

10. Miscellaneous petitions, if any, pending in this appeal, shall stand closed.

Dated: 10.06.2022
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JUSTICE P.MADHAVI DEVI

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Dated:10.06.2022

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