

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

M.A.C.M.A.No.4149 of 2008

JUDGMENT:

This appeal is preferred by the claimant aggrieved by the award and decree dated 07-11-2005 in O.P.No.228 of 2003 on the file of the Motor Accident Claims Tribunal-cum-I Additional Chief Judge, City Civil Court, Secunderabad.

2. Heard learned counsel for the appellant-claimant Mr. P. Gangarami Reddy and learned Standing Counsel for the respondent-Insurance Company Smt P. Satya Manjula and perused the record.

3. The brief facts are that on 06-03-2003, while the claimant was proceeding from Kukatpally towards Moulali on his motorcycle and when he reached at Tadbund Crossroads and was waiting for traffic signal, one Tata Sumo Van bearing No.AP 28 U 9828 driven by its driver in a rash and negligent manner and dashed against the motorcycle of the claimant, due to which the claimant fell down and the van ran over on the left leg of the petitioner. It is stated that the claimant has sustained compound fracture to his left leg and crush injury on the left greater toe and immediately, he was sifted to Chandana Hospitals, New Bowenpally, Secunderabad, and he became disabled because of the injuries sustained by him in the said accident and he is claiming compensation of Rs.3,00,000/- for the injuries sustained by him in the accident.

4. Respondent-Insurance Company has filed counter denying the manner of accident, rash and negligent driving of the driver of the crime

vehicle, the nature of injuries sustained by the claimant and the amount that was spent by him for treatment and the amount claimed by him is excessive.

5. The Court below on analyzing the oral and documentary evidence has granted compensation of Rs.2,40,000/- with interest at 6% per annum from the date of petition till the date of deposit.

6. Learned counsel for the appellant-claimant submits that the claimant has sustained grievous injuries in the accident occurred on 06-03-2003 and because of the injuries, he sustained 25% disability. He submits that though the doctor has opined 25% disability, the Tribunal has taken into consideration only 20% disability. He submits that the claimant was in the hospital for almost more than three months, but the Tribunal has not granted any amount for attendant benefits and even for pain and suffering also, the Tribunal has granted very minimal amount. Learned counsel further submits that the Tribunal has granted interest only at 6% per annum and the same may be enhanced.

7. Learned Standing Counsel for the respondent-Insurance Company submits that the compensation awarded by the Tribunal is just and reasonable.

8. In this factual backdrop, the point that arises for determination is whether the compensation awarded by the Tribunal to the claimant is just and proper.

9. As far as assessment of disability of the claimant at 20%, the multiplier that is applied and taking the monthly income of the claimant at Rs.5,000/- per month by the Tribunal is concerned, no interference is called for by this Court. Compensation towards loss of earnings, a sum of Rs.18,000/- was granted by the Tribunal from 07-03-2003 to 20-06-2003 for a period of 106 days as the claimant did not attend his duties and the same is not interfered with by this Court. Further, the Tribunal has granted an amount of Rs.20,000/- towards medical expenses as claimed by the claimant and the same is not interfered with by this Court. As far as the compensation for transportation is concerned, the Tribunal has granted only a sum of Rs.2,000/- and the same is enhanced to Rs.10,000/-. Further, the Tribunal has not granted any compensation for attendant charges, for that a sum of Rs.10,000/- is granted, for pain and suffering a sum of Rs.40,000/-, for extra nourishment a sum of Rs.10,000/- is granted.

10. In the light of the above discussion, the appellant-claimant is entitled for compensation under the following heads;

1. Disability	--	Rs.1,80,000/-
(Awarded by Tribunal)		
2. Loss of earnings	--	Rs. 18,000/-
3. Medical expenses	--	Rs. 20,000/-
4. Attendant benefits	--	Rs. 10,000/-
5. Pain and suffering	--	Rs. 40,000/-
6. Extra nourishment	--	Rs. 10,000/-
7. Transportation	-	Rs. 10,000/-

Total: Rs.2,88,000/-

11. In the result, the Appeal is partly allowed enhancing the compensation amount awarded by the Tribunal from Rs.2,40,000/- to Rs.2,88,000/-.

(a) The enhanced amount shall carry interest at 7.5% per annum from the date of petition till the date of realization.

(b) Respondent No.2-Insurance Company shall deposit the compensation within a period of 8 weeks from the date of receipt of a copy of this judgment. On such deposit, the claimant is permitted to withdraw the compensation without furnishing any security. No order as to costs.

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

30th January, 2023.
sj

SMT LALITHA KANNEGANTI, J