

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

M.A.C.M.A.No. 2113 of 2005

JUDGMENT:

The petitioner in M.V.O.P.No.514 of 2001 on the file of the Motor Accident Claims Tribunal-cum-VIII Additional District Judge, Guntur (for short 'the Tribunal') is the appellant herein. The said petition was filed claiming a compensation of Rs.2,00,000/- for the injuries sustained by the petitioner, a young boy of 6 years, who sustained injuries in a motor accident. It was averred in the petition that on 16.03.2001 the petitioner and his father was coming from Mangalagiri to Guntur on a motor cycle bearing No.AP 7J 8333 on left side of the road margin and when they reached near Sarma Petrol Bunk, Pedakakani at about 8.00 a.m. a motor cycle bearing No.AP 7K 8454 coming from Guntur side at high speed without observing the traffic rules hit the petitioner's motor cycle, as a result of which, both of them fell down and the petitioner received head injury. The petitioner was admitted in a private Nursing Home for treatment. He received a fracture to the left parietal bone. He took treatment for a period of 15 days.

The 1st respondent filed a counter denying the accident. The 2nd respondent filed another counter stating that in view of the involvement of two motor cycles, there is contributory negligence on part of the petitioner also.

The Tribunal, on the basis of the oral and documentary evidence, held that the accident occurred due to rash and negligent driving of the driver of the motor cycle bearing No.AP 7K 8454.

With regard to the compensation, the father of the petitioner, who was examined as P.W.1, deposed that immediately after the

accident, his son was shifted in an auto to a private Nursing Home in Arundelpet, Guntur. His son received injury to head and went unconscious. After two days, his son gained consciousness and was treated as an in-patient for nearly ten days. He spent an amount of Rs.40,000/- towards medical expenses. He filed Ex.A.3 wound certificate. The Tribunal awarded an amount of Rs.8,000/- towards fracture to head, Rs.6,000/- towards medical expenses and Rs.1,000/- towards pain and suffering. Thus, in all an amount of Rs.15,000/- was awarded for the injuries sustained by the petitioner.

As per Ex.A.3 wound certificate, it is clear that the petitioner, who was studying LKG and aged about 6 years, sustained a fracture to the left parietal bone in the accident that occurred on 16.03.2001. Ex.A.4 are two cash receipts for Rs.5,000/- and Ex.A.5 is a cash receipt for Rs.4,800/-. In the circumstances, the amount awarded towards injury should be enhanced from Rs.8,000/- to Rs.20,000/-. Even in the absence of evidence under Exs.A.4 and A.5 for an amount of Rs.9,800/-, only Rs.6,000/- was awarded. Hence, an amount of Rs.10,000/- was awarded towards medical expenses. Only Rs.1,000/- was awarded towards pain and suffering and the said amount should be enhanced to Rs.10,000/-. No amount was awarded towards attendant charges and extra nourishment. The petitioner was a boy of 6 years. He needs personal attention by some elders and also extra nourishment for the injuries. In view of the same, an amount of Rs.10,000/- is awarded towards the same. Thus, the amount of compensation of Rs.15,000/- awarded by the Tribunal is enhanced to Rs.50,000/- and the enhanced amount of compensation shall carry interest at 9% p.a. from the date of petition till the date of realization.

The Appeal is accordingly partly allowed. There shall be no

order as to costs.

Consequently, miscellaneous petitions, if any, pending in the appeal shall stand dismissed.

(A.RAMALINGESWARA RAO, J)

16th December, 2015
cbs

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

-
-
-
-
-
-
-
-
-

M.A.C.M.A.No. 2113 of 2005

16th December, 2015

cbs