

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

M.A.C.M.A.No. 1442 OF 2005

JUDGMENT:

This appeal is preferred by the petitioner in M.V.O.P.No.236 of 2004 on the file of the Principal Motor Accident Claims Tribunal-cum-District Judge, Warangal. The petition was filed on the allegation that on 28.02.2003 when the petitioner along with his wife were at Chelpur Village in front of the house of one Chandraiah, a Jeep bearing No.MH 16C 577 driven by its driver in a rash and negligent manner dashed the Moped on which the petitioner along with his wife were going. In the said accident, the petitioner and his wife received injuries and were treated in Hariteja Hospital, Warangal. The petitioner filed M.V.O.P.No.236 of 2004 claiming compensation of Rs.86,400/-, whereas his wife filed M.V.O.P.No.240 of 2004 claiming compensation of Rs.81,000/-. The Tribunal passed a common order awarding an amount of Rs.15,000/- to the petitioner and Rs.15,000/- to his wife along with interest at 9% p.a. Seeking enhancement of the said compensation, the petitioner filed the present appeal.

2. The Tribunal came to the conclusion that the accident occurred due to rash and negligent driving of the driver of the Jeep bearing No.MH 16C 577. With regard to the compensation, the petitioner filed Ex.A.1 injury certificate which showed that he was admitted in the hospital with fracture of right radius and he underwent surgery with plates and screws. The accident occurred on 28.02.2003 and the petitioner was discharged on 03.03.2003, which shows that the petitioner was in hospital for a period of three days. The Tribunal awarded an amount of Rs.10,000/- towards pain and suffering and an amount of Rs.5,000/- as compensation for medical expenses and attendance. Thus, an amount of Rs.15,000/- was awarded. Ex.A.11 case sheet showed that the petitioner was admitted on 01.03.2003 and discharged on 18.05.2003 at one place and at another place on 18.03.2003. The entries in the case sheet contain up to 12.03.2003. In view of the hospitalization, the Tribunal should have awarded some amount towards loss of earnings during the said period and higher amount for medical expenses for the surgery undergone by the petitioner. In the circumstances, the amount of Rs.10,000/- granted towards pain and suffering is

not disturbed, but the amount of Rs.5,000/- granted as compensation for medical expenses, is enhanced to Rs.10,000/- and an amount of Rs.5,000/- towards loss of earnings, attendant charges and transportation charges is awarded. Thus, the award passed by the Tribunal is enhanced from Rs.15,000/- to Rs.25,000/-. The enhanced amount shall carry interest at 9% p.a. from the date of petition till the date of realization.

3. Accordingly, the M.A.C.M.A. is partly allowed. Consequently, miscellaneous petitions, if any, pending in the appeal shall stand dismissed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

18th November, 2015

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