

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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M.A.C.M.A.No.1991 of 2005

JUDGMENT:

The petitioner in M.V.O.P.No.151 of 2000 on the file of the Court of Special Judge for the trial of offences under SCs & STs (POA) Act-cum-VI Additional Metropolitan Sessions Judge-cum-XX Additional Chief Judge, Secunderabad (for short, Tribunal), is the appellant herein.

2. The petitioner filed the said MVOP claiming compensation of Rs.1,70,000/- for the injuries sustained by him in a road accident that occurred on 16.07.1998. It was alleged in the said MVOP that on 16.07.1998, when the petitioner was driving a Tata vehicle bearing No.AP10K 101, the driver of the Ashok Leyland lorry bearing No.TDX 3389 drove his vehicle in a rash and negligent manner and hit the said Tata vehicle, as a result of which, he sustained grievous injuries. He took treatment in the Yashoda Hospital from 16.07.1998 to 30.07.1998.

3. The Tribunal framed the following issues.

- “1. Whether the accident has taken place due to rash and negligent driving of the vehicle bearing No.TDX 3389 by its driver?
2. What is the just amount that can be awarded as compensation and against whom?
3. To what relief?”

4. The petitioner got himself examined as P.W.1 and examined P.W.2 who is one of the travelers and marked Exs.A.1 to A.6 on his behalf. The insurance policy was marked as Ex.B.1.

5. On the basis of the oral and documentary evidence, the Tribunal came to the conclusion that the accident occurred due to rash and negligent driving of the driver of the lorry bearing No.TDX 3389. With regard to the compensation, an amount of Rs.13,000/- towards pain and suffering, Rs.30,000/- towards medical expenses, Rs.2,000/- towards

loss of earnings besides an amount of Rs.5,000/- towards extra nourishment charges and Rs.500/- towards transportation charges, in all, an amount of Rs.50,500/- was awarded by the Tribunal, by its award dated 04.01.2005. Seeking enhancement of the said amount, the present appeal is filed.

6. In the said accident, the petitioner sustained injury to both jaws, for which, the Tribunal did not award any amount. This Court feels that an amount of Rs.20,000/- for such injury is just and proper. With regard to medical bills, though the bill for Rs.53,477/- was filed, only an amount of Rs.30,000/- was awarded while accepting the computer generated bill given by the Yashoda Hospital. Therefore, the amount awarded by the Tribunal towards medical expenses also should be enhanced from Rs.30,000/- to Rs.50,000/-. In respect of other heads, amount awarded by the Tribunal are confirmed.

7. Accordingly, the appeal is allowed enhancing the amount of compensation from Rs.50,500/- to Rs.90,500/- with subsequent interest @ 6% per annum from the date of petition till realization. Miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

Date: 10.12.2015
TJMR