

HON'BLE SRI JUSTICE S.V. BHATT

M.A.C.M.A.No.5080 OF 2005

JUDGMENT:

Heard learned counsel for the appellant and the learned standing counsel for 2nd respondent.

Claimant in O.P.No.932 of 2000 in the Court of IV Additional District & Sessions Judge-cum-Motor Accidents Claims Tribunal, Nizamabad, is the appellant. The appellant filed O.P. No.932 of 2000 claiming Rs.1,00,000/- compensation for the injuries, the appellant had sustained in the accident occurred at 1.00 p.m. on 05.07.1999. The appellant suffering injuries and the vehicle involving in the accident are not disputed. The Tribunal granted Rs.5,000/- towards compensation with interest at 9% per annum from the date of petition till the date of deposit.

The Tribunal has placed strong reliance upon Ex.A.3 to come to the conclusion that the injuries suffered by the appellant are superfluous and the appellant did not suffer any fractures to the bones.

The learned counsel for the appellant by placing reliance upon Exs.A.4 and A.5 contends that the appreciation of available evidence is erroneous and that at any rate the grant of compensation of Rs.5,000/- is very meagre, not just or proper in the facts and circumstances of the case.

Now the point for consideration is: what is the compensation to which the appellant is entitled to, from the material available on record.

A combined reading of Exs.A.3 and A.4 would go to show that the appellant suffered grievous injury to her Nose. At the first instance, she was treated at the Government Hospital, Kamareddy and later at Government ENT Hospital, Hyderabad. From 05.07.1999 till 15.07.1999, the appellant had undergone treatment for the grievous injury established through Exs.A.3 and A.4. I have difficulty in

accepting the finding of the Tribunal that the injury for which compensation is claimed by the appellant is simple and not a very grievous injury where substantial compensation under this head can be considered. With a view to balancing these two circumstances, considering the injury as a moderate injury to the Nose of the appellant, I consider it appropriate to grant Rs.10,000/-(Rupees ten thousand only) compensation for the injury, Rs.5,000/-(Rupees five thousand only) for the pain and suffering and Rs.5,000/-(Rupees five thousand only) towards transportation charges, medicines, extra nourishment. In all through this order, the total compensation now determined as Rs.20,000/-(Rupees twenty thousand only) with interest at 7.5% per annum on determined compensation from the date of petition till deposit into Court.

The MACMA is allowed in part. No order as to costs.

Miscellaneous petitions, if any, pending in the MACMA shall stand closed.

S.V.BHATT, J

Date:05.11.2015

Stp