

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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M.A.C.M.A.No.1717 of 2005

JUDGMENT:

This appeal is filed by the Insurance Company challenging the quantum of compensation granted in O.P.No.10 of 2002 on the file of the III Motor Accidents Claims Tribunal, Warangal, by award dated 24.11.2004.

The first respondent herein, who was the B.Tech third year student at that time, was injured in an accident that occurred on 15.09.2001 when she was proceeding on a Kinetic Style scooter bearing No.AP 36 G 2087 from Fathimanagar to KITS College to attend classes at morning hours, an auto bearing No.AP 36 U 7959, being driver by its driver, came in a rash and negligent manner in the opposite direction and dashed the scooter. The Tribunal held that the accident occurred due to the rash and negligent driving of the auto bearing No.AP 36 U 7959 driven by its driver. With regard to the compensation, the Tribunal noticed that as per Ex.A2 – wound certificate, the claimant was aged 19 years, whereas as per the charge sheet under Ex.A3, she was aged about 21 years. However, as per Ex.A4 – discharge summary, she was shown as 19 years. Three simple injuries were caused in the accident and two grievous injuries – fracture of right wrist and right thigh femur, were caused. She was admitted in the hospital on 15.09.2001 and a surgery was performed on 16.09.2001. She was discharged on 27.09.2001. The Tribunal awarded the following amounts:

1. Grievous fracture and simple injuries : Rs. 52,500.00
 2. Medical and extra nourishment expenses : Rs. 20,000.00
 3. Damages to scooter : Rs. 6,000.00
 4. Transport expenses : Rs. 5,00.00
 5. Pain and suffering : Rs. 20,000.00
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Total compensation : Rs. 99,000.00

Learned Counsel for the appellants contends that the Tribunal should not have awarded an amount of Rs.52,500/- for the injuries sustained by the first respondent herein, and even in the absence of any evidence, the damages to the scooter were also awarded. Lastly, learned Counsel for the appellants submits that the award of interest at 9% is high and it should be restricted to 7.5%.

The Tribunal awarded the amount of Rs.52,500/- for the injuries by taking into consideration the fractures to the femur and right wrist. An amount of Rs.2,500/- for each of the simple injury was awarded. It appears that the scooter was new and damages were awarded on estimate basis. The interest at 9% cannot be called as unreasonable. Though the award was liberal, in view of the injuries sustained by the first respondent herein, this Court is not inclined to interfere with the award passed by the Tribunal.

The appeal is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

04.11.2015

vs

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