

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

MACMA.No.393 of 2013

ORDER:

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Dissatisfied with the award of Rs.12,500/- as compensation granted by the order dated 18-10-2012 in M.V.O.P.No.523 of 2008 on the file of the Motor Accidents Claims Tribunal-cum-IX Additional District Judge (F.T.C.), Krishna at Machilipatnam, as against the claim of Rs.1,00,000/-, the present appeal is filed seeking enhancement of compensation.

The appellant herein is the petitioner, while the respondents 1 to 3 herein are the driver, owner and insurer of crime lorry respectively, were respondent Nos 1 to 3 in the original petition.

The case of the appellant is that she was injured in the motor vehicle accident that occurred on 29-08-2005 at 6 AM, on State Highway, near Ramannapalem Village of East Godavari District. The said accident occurred due to rash and negligent driving of the crime lorry vehicle bearing No.AP 16 TV 2096 by the 1st respondent. The appellant received grievous, multiple injuries on her body. The crime vehicle was coming in opposite direction to Tata Tavera Car bearing No.AP 16 TV 3633, in which the appellant and others were traveling and dashed it. Basing on the same, the crime was registered in Cr.No.132 of 2005 under Sections 337 and 338 IPC. The appellant took medical treatment at Community Health Center, Kovvuru. Thereafter, she was referred to Government Hospital, Rajahmundry and from there to S.V.R.Neuro Hospital, Governorpet, Vijayawada for better treatment on 30-08-2005. On 30-09-2005 the appellant underwent operation for lacerated nose and forehead and also for reduction of Nasal bone and discharged on 07-09-2005. It is further stated that the parents of the appellant spent Rs.1,00,000/- for her medical treatment. The appellant was in-patient for a period of eight days and advised for medication as out-patient. The appellant continued to take medicines and also to have medical check up at Vijayawada for a period of one year and spent huge amounts. As a result of accident, the appellant was suffering head ache and pain to the nose. It is further stated that the appellant was hale and healthy and earning Rs.3,000/- per month by doing tailoring work and due to accident she lost her source of income for a period of one year. The appellant suffered physically and financially. The 1st respondent has valid driving licence and the 2nd respondent, who was owner of the crime lorry and the 3rd respondent is the insurer of the crime vehicle.

The 3rd respondent-Insurance Company filed counter denying the averments of the claim petition and also nature of injuries and sought for dismissal of O.P.

The trial Court basing on the evidence of Pws1 and 2 and Exs.A-1 to A-9 and basing on Ex.B.1 awarded a sum of Rs.12,500/-towards injury sustained by the appellant and the present appeal is filed for enhancement of compensation.

Learned counsel for the appellant submits that as per Ex.A-5 certificate issued by PW.2, who treated the appellant for a period of eight days, wherein it is stated that the appellant was operated by him for shortening of nose. As a result, an amount of Rs.25,000/- was incurred by the appellant in the said hospital and the Tribunal has granted only Rs.6,000/- and he also contends that no amount is granted towards transportation charges though she was initially treated at Kovvur, later referred to Government Hospital at Vijayawada and from there to Rajahmundry. He also submits that the amount granted towards pain and suffering and towards loss of income is on low side.

On the other hand, learned counsel for the respondent-Insurance Company submits that the trial Court has considered the evidence adduced by the appellant properly and granted adequate compensation. As such, no interference is called for.

In this case, it is to be seen that as per Ex.A.5 the appellant was operated and she incurred an amount of Rs.25,000/- but the trial Court has granted Rs.6,000/-

as such, the same is enhanced to Rs.25,000/- towards charges for conducting operation. Towards pain and suffering, a sum of Rs.3,000/- is granted by the Tribunal which is on low side and the same also requires enhancement in view of nature of injury sustained by the petitioner and suffering she has undergone, and therefore, it is enhanced to Rs.15,000/-. An amount of Rs.5,000/- is granted towards transportation charges. The Tribunal granted Rs.500/- towards loss of income. Since the appellant stated that she was in the hospital for (08) days, the same is enhanced to Rs.5,000/-. An amount of Rs.3,000/- is granted by the Tribunal towards purchase of medicines and the same is maintained.

In view of facts and circumstances, the appellant is entitled for the amounts under the following heads as under:

Charges for conducting surgery	Rs.25,000/-
Pain and suffering	Rs.15,000/-
Loss of income	Rs.5,000/-
Transportation charges	Rs.5,000/-

Towards purchase of medicines	Rs.3,000/-
Total	Rs.53,000/-

Thus, the appellant is entitled to a total sum of Rs.53,000/-(Rupees fifty three thousand only) as against Rs.12,500/- granted by the Tribunal, towards compensation.

Accordingly, this appeal is allowed in part and the compensation is enhanced from Rs.12,500/- to Rs.53,000/- along with interest at the rate of 7.5% per annum on the enhanced amount from the date of petition, till realization. There shall be no order as to costs.

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

30-12-2015
Nvl

A.RAJASHEKER REDDY,J

