

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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M.A.C.M.A.No.1725 of 2005

JUDGMENT:

This appeal is preferred by the claimant in O.P.No.352 of 2003 on the file of the learned I Additional District Judge, Medak at Sangareddy, seeking enhancement of compensation.

The claimant filed the claim petition before the Tribunal claiming an amount of Rs.1,20,000/- for the injuries sustained by him in a motor accident that occurred on 16.09.2002 when he was going in an auto bearing No.AP 23 T 4435 near Munipally road to go to Sadasivpet. Due to the rash and negligent driving of the driver of the auto, the auto turned turtle and he fell by the side of the road. He received seven injuries and he was treated as an inpatient in Gandhi Hospital. Ex.A3 – injury certificate, showed only seven abrasions and it does not contain any bodily injury. However, P.W.2, who treated the claimant, stated that the claimant sustained fracture of C.7 with subluxation and disc herniation at C6/C7. He also stated that the claimant underwent surgery on 09.10.2002 and was taking the follow up treatment. It was also stated that the claimant recovered partially and had permanent disability of 50%. His evidence is not supported by any certificate. On the other hand, the disability certificate issued under Ex.A8 was not proved by the claimant. In those circumstances, the Tribunal disbelieved the permanent partial disability of 50% and awarded a sum of Rs.40,000/- for loss of earnings. An amount of Rs.10,000/- was awarded towards medicines and treatment. Against the total compensation of Rs.50,000/-, the claimant preferred the present appeal seeking enhancement.

Learned Counsel for the appellant submits that no amount was awarded towards pain and suffering and the claimant's loss of earnings during the period of hospitalization.

There is no evidence with regard to the hospitalization, except the oral statement by P.W.2. However, for the pain and suffering underwent by the appellant/claimant, the appellant is entitled for a sum of Rs.10,000/-. Accordingly, the compensation awarded to the appellant/claimant is enhanced to Rs.60,000/- and the enhanced amount of Rs.10,000/- will bear interest @ 9% per annum from the date of the petition till the date of realization and the said amount shall be paid by respondent Nos.1 and 2 jointly and severally.

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

(A.RAMALINGESWARA RAO, J)

04.11.2015

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