

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

M.A.C.M.A.No.1923 of 2005

Date: 04-12-2015

Between:

J.Gajjaram @ Gajjanna

.... Appellant

AND

Sri Kisan Youth Association, represented by its

Srinivas and another

.... Respondents

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

M.A.C.M.A.No.1923 of 2005

ORDER:

The petitioner in O.P.No.1575 of 2002 on the file of Motor Accident Claims Tribunal-cum-IV Additional District Judge (Fast Track Court), Nizamabad is the appellant herein.

He filed the claim petition seeking compensation of Rs.2,00,000/- for the injuries sustained by him in a motor accident that occurred on 24-07-2002 at about 8.00 P.M. in between Andakur and Venkur villages, Kuntala Mandal, Adilabad District. The petitioner was driving the motor cycle bearing No.AP-I-6399 from Kallur towards Kunthala side along with a pillion rider and when they

reached in between Andakur and Venkur village sivar, an auto bearing No.AP-1-T-3970 driven by its driver in a rash and negligent manner, came in opposite direction and dashed against the petitioner, as a result of which, the petitioner sustained several injuries. Initially, he was admitted at Government Hospital, Bhainsa and thereafter he was treated at Amrutha Laxmi Multi Speciality Hospital, Nizamabad and Maithri Hospital, Nizamabad. He was operated at Amrutha Laxmi Hospital and Maithri Hospital, Nizamabad and his motor cycle was completely damaged. Though he filed the claim for Rs.13,00,000/-, it was restricted to Rs.2,00,000/-.

The Tribunal, on the basis of oral and documentary evidence, held that the accident occurred due to rash and negligent driving of the driver of the auto bearing No.AP-I-3970.

With regard to the injuries, the petitioner examined himself as PW.1 and PW.2 was a doctor who examined the petitioner on 24-07-2002. The disability certificate indicating at 10% was issued under Ex.A.19. Ex.A.2 wound certificate issued by the Government Hospital, Bhainsa mentioned the injuries of laceration right side forehead 3" X ½"X 1", laceration 1" X ½" X ½" and abrasion ½" X ½"right knee swelling. The Tribunal awarded an amount of Rs.10,000/- towards grievous injuries and Rs.2,000/- towards simple injuries; an amount of Rs.10,000/- was awarded towards medical bills; an amount of Rs.10,000/- towards pain and suffering; an amount of Rs.10,000/- towards transportation and extra nourishment and an amount of Rs.7,500/- towards loss of earnings. In all, the Tribunal awarded an amount of Rs.49,500/- as compensation by the award dated 16-02-2005 together with interest at 9% p.a. from the date of petition till realisation.

Learned counsel for the appellant submits that an amount of Rs.10,000/- awarded for the grievous injuries is grossly inadequate and low.

This Court carefully perused the evidence on record and noticed that the treatment taken by the petitioner at NIMS, Hyderabad is for fracture to right foot. In the circumstances, the Tribunal should have awarded more amount by not treating the fracture as conservative grievous injury. In the circumstances, the amount of Rs.10,000/- awarded by the Tribunal for the grievous injuries is

enhanced to Rs.20,000/-. Similarly, the amount of Rs.2,000/- awarded for the simple injuries was enhanced to Rs.5,000/-. The other amounts awarded by the Tribunal do not need any enhancement and the compensation of Rs.49,500/- as awarded by the Tribunal can be enhanced to Rs.62,500/-.

Accordingly, the compensation amount of Rs.49,500/- is enhanced to Rs.62,500/- and the enhanced amount shall carry interest at 9% p.a. from the date of petition till the date of deposit. The appeal is allowed accordingly. No costs.

A.

RAMALINGESWARA RAO, J

Date: 04-12-2015

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