

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

MACMANo.1774 of 2005

Date: 26-11-2015

Between:

Batchu Seethamma

.... Appellant

AND

APSRTC, Hyderabad, represented by its General Manager

.... Respondent

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

MACMANo.1774 of 2005

ORDER:

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This appeal is filed by the claimant in MVOP.No.898 of 2002 on the file of Motor Accident Claims Tribunal-cum-X Additional District Judge (Fast Track Court), Guntur.

The claimant filed the O.P. stating that on 03-08-1990 at about 3.00 P.M. while she and others were coming in RTC bus bearing No.AEZ-2231 from Guntur to Rentachinthala, the driver of the bus drove the same in a rash and negligent manner and hit a tamarind tree near Reddygudem village, Rajupalem Mandal, Guntur District, as a result of which the claimant and others who were travelling the bus sustained severe injuries. After the accident, the claimant shifted to Government Hospital, Sattenapalli. She filed the petition claiming compensation of Rs.50,000/-.

In the accident she sustained the following injuries:

“loss of left upper inciser, abrasion over chin and loosening of right upper inciser.”

The Tribunal by its award dated 17-04-2004 held that the accident occurred due to rash and negligent driving of the driver of the bus and awarded an amount of Rs.9,400/- with future interest at 9% p.a. For the above injuries, the Tribunal awarded an amount of Rs.7,400/- treating the first injury as grievous injury and the other two injuries as simple injuries. The amount of Rs.1,000/- towards medical expenses and another amount of Rs.1,000/- towards mental pain and suffering.

The petitioner is stated to have been treated as inpatient in Government Hospital, Guntur for a period of six days and though no documentary evidence was produced, the petitioner must have been treated for the said injuries. There is no dispute with regard to the injuries sustained by her as per Ex.A.3 wound certificate. No amount was awarded towards loss of earnings. The petitioner is stated to be an agricultural labourer. No attendant charges were also awarded.

In the circumstances, I deem it appropriate to enhance the compensation amount of Rs.9,400/- to Rs.15,000/- in respect of all heads put together considering the said compensation as just compensation for the injuries sustained by the appellant herein in the accident. The enhanced compensation shall carry the same rate of interest at 9% p.a. from the date of petition till the date of realisation.

The appeal is allowed accordingly. No costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

Date: 26-11-2015
Ksn

A. RAMALINGESWARA RAO, J