

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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M.A.C.M.A.No.1963 of 2005

JUDGMENT:

The injured claimant in M.V.O.P.No.773 of 2003 on the file of Motor Accidents Claims Tribunal-cum-V Additional District Judge, Guntur, is the appellant herein. He filed the claim petition claiming compensation of Rs.1,50,000/- for the injuries sustained by him in a motor accident that occurred on 19.12.2012 when he was proceeding on his scooter bearing No.AP-7H-1388 towards Nagarampalem along with a pillion rider, the driver of the RTC bus came from Chuttugunta side and hit his scooter from behind, as a result of which, he fell down and sustained injuries and he was admitted in Government Hospital, Guntur. At the time of accident he was aged about 31 years and doing business.

2. The Tribunal framed the following issues:

“1. Whether the accident occurred due to rash and negligent driving of the APSRTC Bus No.AP-10Z-7736 by its driver and if so the petitioner sustained any injuries?

2. What is the just amount of compensation that the petitioner can be granted?”

3. With respect to issue No.1, the Tribunal, on evidence, held that the accident occurred due to rash and negligent driving of driver of APSRTC bus.

4. With regard to compensation, the Tribunal noticed that the petitioner sustained fracture short femur middle 1/3rd, fracture short femur middle 1/3rd junction to lower 1/3rd and lacerated injury over right palm. The petitioner was operated on 31.12.2012 and discharged on 31.12.2013. The Doctor, who treated the petitioner, was examined as P.W.2. Taking the annual income of the petitioner as Rs.15,000/-

and applying the multiplier '17' with disability 15% sustained by the petitioner, the Tribunal calculated the compensation at Rs.38,250/- (Rs.2,55,000 x 15/100). An amount of Rs.6,000/- was awarded towards simple and grievous injuries and an amount of Rs.9,901/- was granted towards medial bills. Thus, in all an amount of Rs.54,151/- was awarded towards compensation by Award, dated 15.02.2005. Seeking enhancement of said compensation, the present appeal is filed.

5. Even in case of labourer, he would be earning not less than Rs.2,500/- per month and if the same is enhanced by 30%, it would come to Rs.3,250/-. If Rs.3,250/- is taken and applied multiplier '17' with disability of 15%, the amount of compensation would come to Rs.99,450/-. No amount was awarded towards pain and suffering and hence, an amount of Rs.20,000/- can be awarded towards pain and suffering. The amount awarded towards medical bills is retained as it is. The petitioner is entitled to an amount of Rs.15,000/- towards injuries. No amount was awarded towards hospitalization and attendant charges. The charges can be calculated at Rs.5,000/-. Hence, the total amount of compensation enhanced from Rs.54,151/- to Rs.1,50,000/-

6. Accordingly, the appeal is allowed enhancing the compensation from Rs.54,151/- to Rs.1,50,000/- and the enhanced amount shall carry interest at 6% per annum from the date of petition till realization. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this appeal shall stand closed.

A. RAMALINGESWARA RAO, J

DECEMBER 07, 2015
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THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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Date: 07.12.2015

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