

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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M.A.C.M.A. No.2067 of 2005
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JUDGMENT:

The petitioner, who filed O.P. No.928/2001, is the appellant herein. He filed the said O.P. before the Chairman, Motor Accidents Claims Tribunal-cum-V Additional District & Sessions Judge, Nalgonda at Miryalaguda (for short, 'the Tribunal'), claiming compensation of Rs.1,00,000/- for the injuries sustained by him in a motor accident that took place on 26.04.2001 at Pedda Bazar of Miryalaguda Town.

The case of the petitioner was that on 26.04.2001 at about 8.45 A.M. when he was proceeding towards his uncle's shop on foot and when he reached near Subbarao Cool Drink shop of Peddabazar, a scooter bearing registration No.AP-24-G 826, which was proceeding from Miryalaguda to Eadulagudam, came in a rash and negligent manner and dashed the petitioner. In the said accident, the petitioner sustained severe injuries.

The Tribunal framed the appropriate issues and held that the accident occurred due to rash and negligent driving of the driver of scooter bearing registration No.AP-24-G 826. With regard to the compensation, as per Ex.A2-Wound Certificate, the following injuries were caused to the petitioner in the accident.

- (i) Fracture injury on right leg, middle of thigh.
- (ii) Fracture injury on right clavicle
- (iii) Two teeth broken
- (iv) Grievous injuries on all over body

The Tribunal disbelieved Ex.A5-Disability Certificate, which showed that 30% disability was caused to the petitioner as the Doctor was not examined and it was not issued by the Doctor, who treated him. The Tribunal awarded an amount of Rs.500/- towards

transportation to hospital and Rs.15,000/- for medical expenses. Apart from the said amount, an amount of Rs.500/- was awarded towards damages to clothing and other things, and an amount of Rs.5,000/- towards pain and suffering. Thus, in all an amount of Rs.21,000/- was awarded.

It is the case of petitioner that he was in the hospital for nearly three months and the injuries suffered by him were grievous in nature. In view of the nature of injuries, the petitioner must have been on bed for a considerable period of time, and no amount was awarded for the injuries. Hence, an amount of Rs.20,000/- can be awarded for the injuries sustained by the petitioner. Though the petitioner was awarded Rs.5,000/- towards pain and suffering, the same can be enhanced to Rs.15,000/-. The amount of Rs.15,000/- towards medical expenses are retained. The amount of Rs.500/- towards transportation charges are enhanced to Rs.1,500/-. Thus, the amount of Rs.21,000/-, awarded by the Tribunal, is enhanced to Rs.51,500/- (Rupees fifty one thousand and five hundred only). The enhanced amount shall carry interest @ 9% per annum from the date of petition till the date of realisation.

Accordingly, this appeal is allowed. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this appeal shall stand closed.

A.RAMALINGESWARA RAO, J

10.12.2015

MVA