

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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M.A.C.M.A.No.2091 of 2005

JUDGMENT:

The petitioner in M.V.O.P.No.6 of 2004 on the file of the Court of Motor Accident Claims Tribunal-cum-VI Additional District Judge, Guntur (for short, Tribunal) is the appellant herein.

2. The petitioner filed the said MVOP claiming compensation of Rs.1,00,000/- for the injuries sustained by him in a road accident that occurred on 30.11.2003. It was stated in the said MVOP that on 30.11.2003 at 12.00 pm, while the petitioner along with others was traveling in a jeep bearing No.AP7X 451 from Inavolu to Guntur, and when they reached Autonagar, an auto bearing No.AP7X 8721 came in a rash and negligent manner and hit the jeep, as a result of which, his left leg knee was fractured and sustained grievous injuries. He was taken to Dr.Y.Lakshmana Swamy Nursing Home, Guntur for treatment and spent about Rs.25,000/- for the surgery and other expenses.

3. The Tribunal framed the following issues.

- “1. Whether the accident occurred due to rash and negligent driving of the auto bearing No.AP7X 8721 and jeep bearing No.AP7X 451 by its drivers and if so the petitioner sustained any injuries?
2. What is the just amount of compensation that the petitioner can be granted and against whom?
3. To what relief?”

4. On behalf of the petitioner, P.Ws.1 and 2 were examined and Exs.A.1 to A.6 were marked. On behalf of the respondents, R.W.1 was examined and Exs.B.1 to B.3 were marked.

5. The petitioner sustained fracture to his left leg and he was in hospital for nearly 12 days i.e., from 30.11.2003 to 10.12.2003. He spent an amount of Rs.11,804/- towards medical expenses. In support of the

injury, the petitioner filed Ex.A.3 and in support of medical bills, he filed Exs.A.4 and A.5. The doctor who treated the petitioner was examined as P.W.2 and he deposed that the petitioner sustained 10% permanent partial disability.

6. The Tribunal, on the basis of the oral and documentary evidence, came to the conclusion that the accident occurred due to rash and negligent driving of the driver of auto bearing No.AP7X 8721. With regard to compensation, the Tribunal awarded an amount of Rs.11,200/- towards medical expenses, Rs.5,000/- towards pain and suffering and Rs.19,500/- towards partial permanent disability, in all, an amount of Rs.35,700/- was awarded by the Tribunal, by its award dated 09.03.2005 with 9% interest per annum. Seeking enhancement of the said compensation, the present appeal is filed.

7. Though the Tribunal has taken 10% disability as certified by P.W.2, there is no proper certificate from the competent Medical Board and even the Tribunal has awarded compensation based on the disability deposed by P.W.2. The entire amount of medical expenses certified by P.W.2 was awarded.

8. In the circumstances, this Court is not inclined to interfere with the award passed by the Tribunal in MVOP.No.6 of 2004 dated 09.03.2005 which appears to be just and proper in the facts and circumstances of the case. Hence, the appeal fails and it is accordingly dismissed. Miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

Date: 14.12.2015
TJMR