

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

M.A.C.M.A.No. 2112 of 2005

JUDGMENT:

The petitioner in O.P.No.530 of 2000 on the file of the Motor Accident Claims Tribunal-cum-II Additional District Judge (Fast Track Court), Nizamabad (for short 'the Tribunal') is the appellant herein. He filed the claim petition claiming an amount of Rs.2,00,000/- for the injuries sustained by him in a motor accident that occurred on 22.03.2000. While he was going on a motor cycle bearing No.AP 25 5086 as a pillion rider towards Nizamabad at about 12.30 p.m. and when the motor cycle reached Vinayakanagar in Nizamabad town, an ambassador car bearing No.AP 25A 9758 came at high speed in a rash and negligent manner and dashed the motor cycle, as a result of which, the front portion of the car ran over the petitioner and the rider of the motor cycle and both of them sustained injuries.

The Tribunal, on the basis of the evidence, held that the accident occurred due to rash and negligent driving of the driver of the ambassador car bearing No.AP 25A 9758.

With regard to the compensation, the Tribunal noticed that the petitioner sustained fracture to both bones of right leg and two simple injuries. He examined P.W.2 Dr.Ramulu, who stated that the petitioner sustained 55% of disability. The disability certificate was issued by P.W.2, whose credibility was suspected by this Court, and the Tribunal disbelieved the same, in the absence of any certificate from the Medical Board. As per Ex.A.3 injury certificate issued by the Government Hospital, Nizamabad, the petitioner sustained fracture to both bones of right leg apart from two lacerated injuries and the same was taken note by the Tribunal and awarded an

amount of Rs.15,000/- towards fractures and Rs.6,000/- for two simple injuries. The medical bills were filed in Exs.A.7 to A.27 for the amount of Rs.3,911/- and Rs.12,300/- and the said amounts were awarded. Further, an amount of Rs.3,000/- was awarded towards pain and suffering, extra nourishment and loss of earnings. The total amount of compensation that was awarded was Rs.40,500/-. Seeking enhancement of the same, the present appeal is filed.

There is no dispute with regard to the injuries sustained by the petitioner in the accident and the injuries are fracture to both bones of right leg and two lacerations. In the circumstances, the amount of Rs.15,000/- awarded for fracture to both bones of right leg needs enhancement and it is accordingly enhanced to Ra.25,000/-. However, the amount of Rs.6,000/- awarded for two simple injuries is retained. Similarly, the amount awarded towards medical bills is also retained. But the amount of Rs.3,000/- awarded towards pain and suffering, extra nourishment and loss earnings is enhanced to Rs.20,000/-. Thus, the total amount which is found to be just and payable to the petitioner by this Court is Rs.67,211/- which is rounded off to Rs.67,500/- and the enhanced amount of compensation shall carry interest at 9% p.a. from the date of petition till the date of realization.

The Appeal is accordingly partly allowed. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any, pending in the appeal shall stand dismissed.

(A.RAMALINGESWARA RAO, J)

16th December, 2015
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