

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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M.A.C.M.A. No.2044 of 2005
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JUDGMENT:

The injured in a motor accident filed O.P. No.957/2000 on the file of the Chairman, Motor Accidents Claims Tribunal-cum-V Additional District Judge, Nizamabad (for short, 'the Tribunal'), claiming compensation of Rs.1,00,000/- for the injuries sustained by him while he was going in a Jeep bearing registration No.AP-1-5099 on 31.05.2000.

The case of the injured was that while he was travelling as a passenger in a Jeep bearing registration No.AP-1-5099 from Bhainsa to Pardi Village, the driver of Jeep drove it in a rash and negligent manner and dashed the tractor-trailer bearing registration No.AP-16-U-6760/6761, due to which he sustained simple and grievous 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 Jeep.

With regard to the compensation, the Tribunal noticed that the petitioner therein sustained the following injuries:

- a) A laceration measuring 1x1/2"x1/4" over left eyebrow, simple in nature.
- b) Z shaped laceration measuring 1/2"x1/4"x1/4" over left cheek, simple in nature.
- c) Loosening of right upper incisor tooth, grievous in nature.

The Tribunal awarded an amount of Rs.4,000/- for two simple injuries and Rs.5,000/- for grievous injury. An amount of Rs.2,000/- was awarded towards pain and suffering and for medical expenditure. An amount of Rs.500/- was awarded towards extra nourishment. Thus, in all an amount of Rs.11,500/- was awarded. Now, the present appeal is filed seeking enhancement of the said compensation.

Though the award of Rs.4,000/- for two simple injuries does not need any enhancement, for loosening of right upper incised tooth, which was grievance in nature, an amount of Rs.5,000/- to the injury as well as for the pain and suffering is inadequate. In the circumstances, the said amount of Rs.5,000/- is retained for the grievous injury, and another amount of Rs.2,500/- is awarded for pain and suffering. An amount of Rs.2,000/- for medical expenditure is also retained, but for extra nourishment, the amount is enhanced from Rs.500/- to Rs.1,500/-. Thus, the award of Rs.11,500/- for the injuries sustained by the appellant-petitioner is enhanced to Rs.15,000/-, and the enhanced amount shall carry interest @ 9% per annum from the date of petition till the date of realisation.

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

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

A.RAMALINGESWARA RAO, J

09.12.2015
MVA