

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

M.A.C.M.A. No. 244 of 2013

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ORDER :

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This Appeal is filed by the claimant seeking enhancement of compensation of Rs.14,850/- with interest @ 7.5/- per annum granted by the Chairman, Motor Vehicles Accidents Claims Tribunal-cum-II Addl. District Judge, Guntur to Rs.3,00,000/-.

2. It is the case of the petitioner that while himself along with others were traveling from Karalapadu Village to Machavaram side in a Jeep bearing No. AP 24U 7627, when the said Jeep reached Kamepalli outskirts, one RTC bus bearing No. AP 10Z 5506 came from opposite side, driven by its driver in a rash and negligent manner, lost control and dashed the jeep in which the appellant and others were traveling. As a result of which, the appellant sustained grievous injuries and two persons died on the spot. When the accident was reported to Piduguralla PS, the same was registered as a case in Cr.No.55/2010 under Sections 337 and 304-A of IPC against the driver of the bus. The respondent is the owner of the bus, is liable to pay compensation. The appellant filed M.V.O.P.No.752 of 2010 on the file of the Motor Vehicles Accidents Claims Tribunal-cum-II Addl. District Judge, Guntur claiming compensation of Rs.3,00,000/-, the Tribunal granted meager amount of Rs.14,850/- along with interest @ 7.5% per annum. Aggrieved by the same, present appeal is filed.

3. Learned counsel for the appellant submits that though the appellant received fracture of left frontal parietal bone and multiple abrasions over left leg and was hospitalized, the Tribunal granted meager amount of Rs.5,000/- towards one grievous injury and Rs.3,000/- for simple injury besides an amount of Rs.3,000/- is awarded towards pain and suffering and Rs.3,000/- towards loss of income. An amount of Rs.847/- was awarded towards medical expenses. She further submits that the appellant was in the hospital for one week and due to fracture and abrasions, the petitioner suffered lot of

pain and suffering, for which, at least Rs.20,000/- should be granted towards pain and suffering besides extra-nourishment, transportation and attendant charges, since the appellant incurred the same.

4. On the other hand, Sri P.Durga Prasad, learned Standing Counsel for the respondent Corporation submits that no evidence is let in for granting of compensation, but still the Tribunal has granted compensation and no interference is called for.

5. A perusal of the Award passed by the Tribunal goes to show that the appellant suffered fracture of left fronto parietal bone and multiple abrasions over left leg. The appellant also examined the Doctor as P.W.2, who treated him and he deposed to that effect. The Tribunal also held that the fracture injury is grievous injury and the other injury as simple injury. As such, an amount of Rs.5,000/- towards fracture is on lower side and same is enhanced to Rs.15,000/-. As far as simple injury is concerned, an amount of Rs.5,000/- is awarded instead of Rs.3,000/-. As far as pain and suffering is concerned, the petitioner might have undergone severe pain and suffering due to grievous fracture, as such, an amount of Rs.20,000/- is awarded towards pain and suffering instead of Rs.3,000/-. An amount of Rs.5,000/- is awarded towards extra nourishment, transportation and medical attendant. Since the appellant filed medical bills to a tune of Rs.847/-, and the Tribunal had rightly granted Rs.850/- towards medical expenses, as such, the same cannot be enhanced so also loss of income Rs.3,000/-. Therefore, an amount of Rs.34,000/- is granted in addition to the compensation granted by the Tribunal.

In all, the appellant is entitled to Rs.48,850/- (Rs.15,000+Rs.5,000+Rs.20,000+Rs.5,000+Rs.850+Rs.3,000) instead of Rs.14,850/-.

Accordingly, this Appeal is allowed in part and the compensation is enhanced from Rs.14,850/- to Rs.48,850/- along with interest at the rate of 7.5% per annum on the enhanced amount from the date of petition, till realization.

There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in this MACMA shall stand closed.

05.11.2015.

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HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

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