

HONOURABLE SRI JUSTICE S.RAVI KUMAR

M.A.C.M.A.No.38 OF 2013

Dated 21-7-2016

Between:

_____ K.Shiva.

_____..Appellant.

And:

_____ J.Shekar and another.

_____..Respondents.

-

HONOURABLE SRI JUSTICE S.RAVI KUMAR

M.A.C.M.A.No.38 OF 2013

JUDGMENT:

This is an appeal preferred against order dated 15-6-2012 in O.P.No.454 of 2009 on the file of VII Additional District Judge, Mahabubnagar.

Appellant herein is claimant who contended that he sustained injuries in a motor accident on 17-7-2009 and that he incurred Rs.15,000/- towards medical expenses. transport charges and extra nourishment and claimed a total sum of Rs.50,000/- as compensation.

This claim was resisted by second respondent Insurance Company on the ground that it has no liability as the driver has no valid effective driving licence and that there are contraventions of provisions of M.V.Act and M.V.Rules so also policy conditions.

On these contentions and rival contentions, tribunal conducted enquiry during which three witnesses are examined and nine documents are marked on behalf of claimants. On behalf of Insurance Company, two witnesses are examined and six documents are marked. Ex.X.1 is also marked on behalf of respondents. On an

overall consideration of oral and documentary evidence, Claims Tribunal did not accept the objection of Insurance Company and granted compensation of Rs.6,000/- in favour of claimants. Aggrieved by the quantum, claimant preferred present appeal.

Heard both sides.

Though the Insurance company resisted claim mainly on the ground of violation of policy condition tribunal recorded a finding against it, which is not challenged, therefore, this court has to examine only with regard to quantum fixed by tribunal.

As seen from the material, the injured was treated in S.V.S.Hospital, Mahabubnagar and according to discharge certificate, he sustained two injuries and tribunal while considering the documents particularly medical bills granted Rs.4,800/- + Rs.300/- towards medical expenses and medicines and rounded it to Rs.5,000/- and granted Rs.1,000/- towards pain and suffering. The wound certificate of injured is marked as Ex.A.2 and as seen from it, injured boy sustained one grievous injury and one simply injury. In the wound certificate, deep laceration with skin and muscle loss was certified as grievous and abrasion on forearm was certified as simple injury. Tribunal without considering the nature of injuries as recorded in the wound certificate granted compensation only towards pain and suffering and no amount is granted for the injuries. Considering the same, I feel that Rs.1,000/- granted can be treated as compensation for simple injury and some amount has to be granted towards grievous injury i.e., injury No.1.

Taking the nature of injury and the age of injured into consideration, I am of the view that a sum of Rs.10,000/- can be fixed as compensation for the grievous injury sustained by claimant and the appeal can be partly allowed by enhancing the compensation from Rs.6,000/- to Rs.16,000/- with interest as granted by

tribunal.

Appeal is partly allowed accordingly. Insurance Company shall deposit the enhanced compensation with interest and proportionate costs within 60 days from the date of receipt of a copy of this order. No costs.

As a sequel to the disposal of this appeal, Miscellaneous Petitions, if any, pending, shall stand dismissed.

JUSTICE S.RAVI
KUMAR

Dated 21-7-2016

Dvs.

HONOURABLE SRI JUSTICE S.RAVI KUMAR

-
M.A.C.M.A.No.38 OF 2013

Dated 21-7-2016

Dvs