

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

C.M.A.NO.503 OF 2004

JUDGMENT:

This appeal is preferred by the appellant-petitioner against the order, dated 30-06-1990 in O.P.No.85 of 1986 on the file of the Additional District Judge-cum-Chairman, Motor Accident Claims Tribunal, Anantapur (for short 'the Tribunal') seeking enhancement of compensation.

2. The appellant herein is the petitioner, whereas the respondents herein are the respondents before the Tribunal.

3. For the sake of convenience, the parties herein after will be referred to as they were arrayed before the Tribunal.

4. Petitioner herein filed the above O.P. claiming compensation of Rs.50,000/- for the injuries sustained by him in a motor accident that occurred on 24-02-1986 when he was travelling in 'Eenadu' paper jeep, which was going to Tadipatri and when the jeep reached Muasalamma Katta, a lorry bearing No. A.P.A.2017 came with high speed towards right side of the jeep and the driver of the jeep turned on the right side and it resulted in hitting the jeep. In the said accident, one Gopi Reddy died on the spot and the cleaner of the jeep died in the hospital. The petitioner received fracture to left leg and right ankle and injuries to the left hand, right hand and face. Hence, the claim petition.

5. The case was contested by the respondents by filing separate counters.

6. The Tribunal after considering the oral and documentary evidence on record, held that the accident was occurred due to rash and negligent driving of the lorry bearing No. A.P.A.2017 by its driver.

7. Regarding the injuries sustained by the petitioner in the said accident, as per Ex.A5, the petitioner sustained the following injuries.

1.A lacerated injury of 4" x 1" x muscle deep extending from the left side of fore-head to the left lateral angle of the mouth.

2. A lacerated injury of 1" x ¼"x skin deep on the left side of the chin and

3. A lacerated injury of ½" x ¼" x skin deep 2" below the left knee.

It was stated in the said certificate that third injury is grievous in nature while the other injuries are simple in nature. P.W.5 spoke with regard to Ex.A5 wound certificate. The Tribunal noticed that the injured was working as Clerk in Syndicate Bank at Thimmanacherla Branch and he was on leave from 24-02-1986 to 05-03-1986, from 06-03-1986 to 07-05-1986, from 08-05-1986 to 27-05-1986 and from 28-05-1986 to 27-06-1986. The loss of earnings for the said period of 150 days was assessed at Rs.5800/- and accordingly, the said amount was awarded. An amount of Rs.3,000/- was awarded towards pain and suffering and Rs.2,000/- towards medical expenses. Thus in all, an amount of Rs.10,800/- was awarded by the Tribunal vide impugned order. Being not satisfied with the compensation, the present appeal is preferred.

8. As seen from the above award, it is evident that nothing was awarded towards injuries sustained by the petitioner in the accident. P.W.5 stated that the third injury was a grievous injury and it is a fracture of tibia and fibula on left upper one third and other two injuries were simple in nature. The Tribunal should have awarded some amount towards compensation for the injuries sustained by the petitioner. The evidence on record shows that due to injuries, the petitioner neither sustained any disability nor any loss of future chances of earnings. In the circumstances, the amount of Rs.10,800/- awarded by the Tribunal is enhanced by another sum of Rs.15,000/- for the injuries sustained by him. Thus, an amount of Rs.25,800/- is awarded as just compensation for the injuries sustained by the petitioner and the enhanced amount of Rs.15,000/- shall carry interest at 9% p.a., from the date of petition till the date of realisation.

9. Accordingly, the appeal is allowed to the extent indicated above. No order as to costs. Miscellaneous petitions, if any pending in this appeal shall stand closed.

A.RAMALINGESWARA RAO, J

DATED: 03-02-2016

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