

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

M.A.C.M.A.No. 147 of 2006

JUDGMENT:

The appellant is injured in a motor vehicle accident. She filed O.P.No.1153 of 2003 on the file of the Chairman, Motor Accidents Claims Tribunal-cum-IV Additional District Judge (II F.T.C.) at Nalgonda, under Section 166 of the Motor Vehicles Act, claiming compensation of Rs.1,50,000/- for the injuries sustained by her in the accident.

2. The appellant, namely, Jarpula Sunitha, aged about 10 years, along with others, was traveling in an auto bearing registration No.AP 24TR 5366 from Venkatampeta to Vinjamur, and when the auto reached the outskirts of Kokkirala Village, the driver drove the vehicle rashly and negligently and consequently it turned turtle and the appellant and others received injuries. The Police, Chinthapally P.S., registered a case in Crime No.44 of 2003 for the offences under Sections 304-A and 337 IPC. Therefore, the appellant filed the above O.P. claiming compensation of Rs.1,50,000/- for the injuries received by her. R.1 and R.2 being the owner and insurer of the vehicle are jointly and severally liable to pay the compensation.

3. The Tribunal on consideration of the evidence has found that the accident occurred due to the rash and negligent driving of the driver of the auto and awarded compensation of Rs.25,000/- towards injuries sustained by the appellant. Being aggrieved by the quantum of compensation, the appellant has preferred this appeal.

4. The appeal as against the 1st respondent/owner was dismissed for default, vide order, dated 20.04.2016.

5. Heard the arguments of the learned counsel for the appellant and the learned counsel for the 2nd respondent/Insurance Company, and perused the material on record.

6. The main contention of the learned counsel for the appellant is that the quantum of compensation awarded by the Tribunal is not in accordance with the nature of injuries suffered by the appellant.

7. Now, the point for consideration in this matter is whether the appellant is entitled for enhancement of the compensation.

8. Though the Tribunal has given a clear finding on the nature of injuries suffered by the appellant and the nature of treatment undergone by her, it has awarded Rs.13,000/- for two grievous injuries, Rs.3,000/- for two simple injuries and Rs.4,000/- for loss of expectation of life, amenities and pleasure. *Prima facie*, the award of

compensation by the Tribunal under the aforesaid heads is very meager. Therefore, it is just and proper to enhance the compensation, as indicated below:

Nature of head	Compensation awarded by Tribunal	Compensation awarded by this Court
2 grievous injuries and pain and sufferance	Rs.13,000/-	Rs.30,000/-
2 simple injuries and pain and sufferance	Rs.3,000/-	Rs.10,000/-
Loss of expectation of life, amenities and pleasure	Rs.4,000/-	Rs.10,000/-
Medical expenses, attendance, transportation and extra nourishment.	Rs.5,000/-	Rs.5,000/- (confirmed)
	Rs.25,000/-	Rs.55,000/-

9. Since the award of Rs.5,000/- towards medical expenses, attendance, transportation and extra nourishment is reasonable, the same does not require any interference. Thus, the compensation awarded by the Tribunal is enhanced from Rs.25,000/- to 55,000/-.

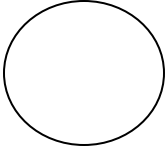
10. In the result, the appeal is partly allowed and the compensation of Rs.25,000/- awarded by the Tribunal is enhanced to Rs.55,000/-. The appellant is entitled for interest at 7.5% p.a. on the enhanced compensation amount from the date of petition till realization. The appellant is permitted to withdraw the entire compensation amount with interest accrued thereon.

Consequently, miscellaneous petitions if any pending in the appeal shall stand dismissed. No order as to costs.

G. SHYAM PRASAD, J

23rd December, 2016
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