

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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M.A.C.M.A.No.2425 of 2005

JUDGMENT:

The injured, who is the petitioner in O.P.No.231 of 2000 on the file of the Court of the Motor Accidents Claims Tribunal (V Additional District Judge) at Nizamabad (for short, Tribunal), is the appellant herein.

2. The appellant filed the said OP claiming compensation of Rs.2,00,000/- for the injuries sustained by him in a motor accident that occurred on 18.11.1999. It was stated in the said OP that on 18.11.1999, while he was travelling in a jeep bearing No.AP25T 4333 from Sangameshwar to go to Nizamabad and when the jeep reached Sadasivanagar sivar at about 5.00 pm., the driver of the jeep drove it in high speed in a rash and negligent manner, as a result of which, the jeep turned turtle. In the said accident, the appellant fell down under the jeep and sustained fracture injuries. He was initially admitted in the Government hospital, Nizamabad and later on he was treated in a private hospital, Pragati Nursing Home, Nizamabad. The first respondent – owner of the vehicle remained *ex parte* and the case was contested by the second respondent - insurance company.

3. On the basis of the pleadings, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the jeep. The Tribunal disbelieved the oral evidence of P.W.1 in the absence of any corroborative evidence. As per Ex.A.3 injury certificate, there was a fracture of right humar and fracture of right femur. But, the same was also disbelieved on the ground that no x-ray number of the report of Radiologist was filed. However, the Tribunal awarded an amount of Rs.6,000/- towards pain and suffering for the two simple injuries, by its award dated 21.12.2004. Seeking enhancement of the said compensation, the present appeal is filed.

4. This Court perused Ex.A.3 wound certificate which clearly showed

that there was a fracture of right humar and fracture of right femur, both of which are grievous in nature. For those injuries, the appellant is entitled for an amount of Rs.20,000/-. For treatment of those injuries, the appellant must have been in hospital for some time and incurred some expenditure, but no evidence of medical expenses was filed. In the absence of evidence, an amount of Rs.10,000/- is awarded towards medical expenses and pain and suffering.

5. Hence, the award of the Tribunal dated 21.12.2004 in O.P.No.231 of 2000 awarding an amount of Rs.6,000/- is enhanced to Rs.30,000/-. The enhanced amount of compensation shall carry interest @ 9% per annum from the date of petition till the date of realization.

6. Accordingly, the appeal is allowed. Miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

Date: 21.01.2016
TJMR