

HON'BLE SRI JUSTICE G.SHYAM PRASAD

MACMA No.250 OF 2006

JUDGMENT:

This appeal is arising out of the order, dated 27.07.2005, in M.V.O.P.No.572 of 2001 on the file of the Chairman, Motor Vehicle Accident Claims Tribunal-cum-III Additional District & Sessions Judge (FTC) at Medak (for short "Tribunal").

2. The brief facts of the case are that on 29.10.2000 at about 9.30 am., while the appellant along with Shaik Munim and Sirajuddin proceeding on a scooter, a vehicle used for harvesting of paddy bearing No.PB58-A 2501 came from opposite direction in a rash and negligent manner and dashed against the scooter, as a result of which, the appellant and Sirajuddin received grievous injuries and fracture on their right legs. The petitioner was admitted in CDR Hospital, Hyderguda, Hyderabad as in-patient till 15.11.2000 from 29.10.2000. He was treated for comminuted fracture shaft femur with comminuted fracture both bones of right leg. He incurred Rs.55,000/- towards his treatment and also spent an amount of Rs.14,500/- towards post operative treatment after discharge from the hospital. The Police, Medak registered a case in Crime No.73 of 2000 against the driver of the crime vehicle. The appellant claimed compensation of Rs.1,50,000/-.

3. The Tribunal, on consideration of the evidence, awarded compensation of Rs.80,468/-. The appellant, being aggrieved by the impugned award, preferred this appeal.

4. The point for consideration in this matter is whether the appellant is entitled for enhancement of compensation on account of the injuries received by him in a motor vehicle accident?

5. Counsel for the appellant is not present and no arguments were advanced on behalf of the appellant. The arguments for appellants are deemed to be heard.

6. Sri R.Venkat Rao, learned counsel for respondent No.2 submits that the compensation awarded by the Tribunal is just compensation and it does not require any interference.

7. On consideration of the evidence, the Tribunal has awarded the following compensation under various heads:

“1. Grievous injury	-	Rs.15,000/-
2. Loss of amenities	-	Rs. 3,000/-
3. Transportation charges	-	Rs. 1,000/-
4. Extra nourishment	-	Rs. 3,000/-
5. Medical expenses	-	Rs.55,467.13 ps.
6. Attendant expenses	-	Rs. 3,000/-

Total	-	Rs.78,467-13 ps.”

8. The Tribunal held issue No.1 in favour of the appellant holding that the rash and negligent driving of the driver of crime vehicle belongs to respondent No.1 which was insured with respondent No.2 is proved. As far as issue No.2 is concerned, the above compensation was awarded.

9. In this regard, it is appropriate to refer to the evidence of P.W.2 the medical officer who treated the appellant. The Tribunal in para 11 of its award observed that as per Ex.A.3 wound certificate issued by doctor of the Government Hospital, Medak, the appellant has sustained two fractures on right leg and that he was referred to CDR hospital. The appellant was treated in CDR hospital as in-patient for 20 days. The appellant had suffered two grievous injuries, but the Tribunal awarded only Rs.15,000/-. The Tribunal ought to have awarded Rs.15,000/- for each fracture, as there are two grievous injuries. Therefore, under the head of grievous injuries, the compensation awarded by the Tribunal of Rs.15,000/- is enhanced to Rs.30,000/-. Except that, I do not see any valid ground to interfere with any of the other heads under which compensation was awarded by the Tribunal.

10. In the result, the appeal is partly allowed enhancing the compensation awarded by the Tribunal of Rs.80,468/- to Rs.95,468/- with proportionate costs. The enhanced amount shall carry the interest @ 7.5% per annum from the date of petition till realization. There shall be no order as to costs. As a sequel, miscellaneous petitions, if any, pending shall stand closed.

G. SHYAM PRASAD, J

Date: 09.12.2016
TJMR