

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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M.A.C.M.A.No.2424 of 2005

JUDGMENT:

The injured, who is the petitioner in O.P.No.422 of 1999 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.1,50,000/- for the injuries sustained by him in a motor accident that occurred on 25.05.1999. It was stated in the said OP that on 25.05.1999, when the appellant, along with his wife, was going on a scooter, and when he reached Timmareddy 'T' junction road of Yellareddy to Nanded road, a van bearing No.AP25T 6582 came in a rash and negligent manner in opposite direction on the wrong side of the road and dashed his scooter, as a result of which, his wife died on the spot and he sustained fracture injuries on both sides of ribs, fracture of collar bone and other injuries on his legs. The second respondent - insurance company filed a written statement and contested the case.

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 van bearing No.AP25T 6582. As per Ex.A.3 wound certificate, the petitioner received pain and tenderness on the right side of the chest and fracture to the 3rd rib. The appellant was admitted in hospital on 25.05.1999 and discharged on 01.06.1999. During the period of hospitalization, some medicines were given. With regard to compensation, the Tribunal disbelieved Ex.C.1 certificate issued by P.W.2 and awarded an amount of Rs.10,000/- as compensation, 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 to the 3rd rib which is grievous in nature. For

that injury, the appellant is entitled for an amount of Rs.15,000/- for treatment of that injury. The appellant was an agriculturist and he was in hospital for a period of one week. During the period of hospital, he lost his earnings and therefore he is entitled for an amount of Rs.2,000/- towards loss of earnings. The appellant filed Ex.A.7 medical bills for Rs.3,500/- and he is entitled for the said amount. The appellant must have felt some discomfort and pain due to the injury sustained in the accident and therefore he is entitled for an amount of Rs.10,000/- towards pain and suffering. Thus, in all, the appellant is entitled for an amount of Rs.30,500/-.

5. Hence, the award of the Tribunal dated 21.12.2004 in O.P.No.422 of 1999 awarding an amount of Rs.10,000/- is enhanced to Rs.30,500/-. 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