

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

M.A.CMA.No.1526 OF 2009

JUDGMENT:

The present appeal is preferred by the legal heirs of one Bheemanaboina Gangamma, who was the original claimant in O.P.No.709 of 2001 on the file of Chairman, Motor Accidents Claims Tribunal – cum – IV Additional District Judge (Fast Track Court), Nalgonda, aggrieved by the order and decree, dated 11.08.2004, passed in the said O.P., whereby and whereunder, the Tribunal has granted a compensation of Rs.36,000/- with interest at 9% per annum, as against the claim of Rs.1,00,000/- laid under Section 166 of the Motor Vehicles Act, 1988, for the injuries sustained by the said Gangamma in a road accident.

2. During pendency and even on the date of disposal of the claim petition, admittedly, the original claimant was alive. It appears that before preferring the present appeal, death of the original claimant occurred and, therefore, her legal heirs have preferred the present appeal, on the ground that the compensation granted by the Tribunal was inadequate and not just and fair.

3. Heard Sri M. Madhava Reddy, learned counsel for the appellants, and Sri N.S. Bhaskar Rao, learned counsel for respondent No.2. Though service was completed on respondent No.1, owner of the lorry that involved in the accident, none appears for him.

4. The Tribunal has granted Rs.8,000/- for four simple injuries, Rs.15,000/- for the grievous injury, Rs.8,000/- towards medical expenses, attendant charges, transportation and extra nourishment, and Rs.5,000/- towards loss of expectation of life, loss of pleasure and loss of earnings, thus, making a total of Rs.36,000/-.

5. Learned counsel for the appellants would submit that, though, the deceased claimant did incur Rs.32,000/- towards purchase of medicines and other medical expenditure, supported by prescriptions and bills, the Tribunal has granted a meager amount towards medical expenses and hence, seeks to enhance the compensation.

6. A perusal of the bills issued by the Shabbir Medical Hall would show that the claimant purchased certain medicines and, in fact, she has also incurred amounts towards tests underwent at the Osmania General Hospital, as could be found from one of the bills marked. Further, there are certain cash bills in the same manner and it also appears that the deceased claimant subjected herself for certain tests from Sri Venkateswara Scanning Center, Miryalaguda, and Hyderabad Kidney and Laparoscopic Center. The Tribunal, though, referred to the amount of Rs.32,000/- said to have been incurred by the deceased claimant towards medical and other expenses, but did not elaborate as to why it inclined to reject the bills supported by prescriptions and, in fact, though, there is no specific reason at all to

discard the said amount, it has just granted Rs.8,000/- not only towards the medical expenses said to have incurred by the deceased claimant, but also towards attendant charges, transportation and extra nourishment. So, as against the aforesaid amount of Rs.8,000/- granted towards attendant charges, transportation, medical expenses and extra nourishment, an amount of Rs.32,000/- is granted. Therefore, the compensation of Rs.36,000/- granted by the Tribunal is enhanced to Rs.60,000/- with interest at 9% per annum on the amount of Rs.36,000/- granted by the Tribunal and at 7.5% per annum on the enhanced amount of Rs.24,000/-. The compensation of Rs.60,000/- is apportioned equally amongst the appellants.

7. Accordingly, the appeal is allowed in part. Miscellaneous Petitions, if any, pending in this appeal, shall stand closed. There shall be no order as to costs.

A. SHANKAR NARAYANA, J

October 28, 2016.
MD