

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CMA No.2513 OF 2004

JUDGMENT:

The injured claimant, aged about 40 years in O.P.No.910 of 1995 on the file of the learned Chairman, Motor Accidents Claims Tribunal–cum-District Judge, Nizambad district, (*for short*, '*Tribunal*'), maintained the claim u/s. 166 of the Motor Vehicle Act,1988 (*for short*, '*the Act*'), for Rs.2,00,000/-(Rupees two lakhs only) against the owner and Insurer of the bus bearing No.AP 25 T 769 for the injuries sustained by him in the accident dated 06.03.1995 due to rash and negligent driving of the driver of the bus which dashed against the roadside tree, for the tribunal granted compensation of Rs.500/- with interest at 9%p.a. with joint liability by award dated 29.10.2001, aggrieved by the same preferred the present appeal with contentions that the tribunal gravely erred in not considering the factum of 7 persons died in the accident among the passengers of the bus and some passengers including the petitioner sustained injuries and the petitioner sustained fractures and there is a prescription issued by the doctor by name Damodar Reddy under Ex.A.3 and thereby tribunal ought to have been awarded compensation of Rs.2,00,000/- therefrom and sought for allowing the appeal as prayed for.

Whereas, it is the contention of learned counsel for the 2nd respondent-Insurer that there is no proof regarding any of the injuries sustained by the petitioner and merely because 7 persons died in the accident among the several passengers including the petitioner, the petitioner is not entitled compensation for no proof regarding any fracture sustained by radiologist report or X-rays or any wound certificate even filed and thereby sought for dismissal of the claim.

Heard and perused the material on record.

The manner of the accident itself shows from Ex.A.1 First Information Report and the evidence on record by P.Ws. 1 and 2

including the eye witness, no other than the claimant in O.P.No.826 of 95 also from several injured and 7 persons died is nothing but ghastly occurrence and a person who is travelling in the bus from that ghastly occurrence from putting to shock and grief which have itself any impact on the person, no need to prove any external injury and therefrom what the tribunal awarded of Rs.500/- is utterly low and it is just to award at least Rs.10,000/-.

In the result, the appeal is allowed in part by enhancing the compensation awarded by the tribunal of Rs.500/- (Rupees five hundred only) to Rs.10,000/- with interest at 7.5% p.a. by reducing from 9% p.a. from the date of petition till date of realization. Respondents are directed to deposit said amount with interest within one month from today, failing which the claimant can execute and recover. On such deposit or execution and recovery, the claimant is permitted to withdraw the same. There is no order as to costs in the appeal. Consequently, miscellaneous petitions, if any pending in this appeal, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:24.06.2016
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