

HON'BLE SRI JUSTICE M.S.K.JAI SWAL

M.A.C.M.A.No.1157 of 2010

JUDGMENT:

This appeal is preferred by the claimant questioning the inadequacy of the compensation that is awarded to him by the learned Chairman, Motor Vehicle Accident Claims Tribunal-cum-I Additional District & Sessions Judge, Ranga Reddy District at L.B.Nagar, Hyderabad (for short 'the Tribunal') for the injuries sustained in the accident.

The brief facts are that the appellant/claimant filed claim petition seeking compensation of Rs.1,50,000/- on the ground that he sustained injuries in the road accident that occurred on 22.12.2006 at 6.45 p.m while he was proceeding on the scooter bearing registration No.AP9Q-1661 from Ghatkesar to Uppal along with his friend and when reached Peerjadi Guda Kaman, the RTC bus bearing registration No.AP11Z-2839 came in rash and negligent manner and dashed his scooter from its rear side.

The respondents filed counter contending that there is no negligence on the part of the driver of the RTC bus and the claim of the claimant is excessive and imaginary.

Basing on the rival contentions, the Tribunal framed the following issued for trial:

- 1) Whether the petitioner sustained injuries in a Motor vehicle accident occurred on 22.12.2006 due to rash and negligent driving of APSRTC Bus bearing No.AP-11Z-2839 by its driver?
- 2) Whether the petitioner is entitled to claim compensation, and if so, how much amount and from which of the respondents?
- 3) To what relief?

On behalf of the claimant PW 1 was examined and the Medical Officer was examined as PW 2 and Exs.A1 to A9 are marked. No oral or documentary evidence is adduced on behalf of the respondents.

Upon considering the oral and documentary evidence, by the impugned judgment and decree, the Tribunal awarded compensation of Rs.22,000/- together with interest thereon @7.5% p.a. from the date of the petitioner till the date of payment. Aggrieved by the said award, the present appeal is filed by the claimant.

The learned counsel for the appellant contended that the Tribunal erred in awarding compensation which is very meager and hence it needs to be enhanced.

The learned counsel for the respondents contended that the claimant sustained only one fracture injury, and the Tribunal has taken into consideration all the aspects, including the documents that are produced in support of the claim and determined the compensation which do not warrant any interference.

Perusal of the record shows that the claimant/PW 1 sustained injury in the accident which is said to have taken place at the place, date and time as mentioned. The finding with regard to rashness and negligence on the part of the driver of the Corporation and its liability is not challenged.

The only point that arises for consideration is as to whether the compensation awarded by the Tribunal is just and reasonable.

Admittedly, the appellant/claimant sustained one fracture of left humerus with radial nerve injury. For this injury a sum of Rs.5,000/- was awarded by the Tribunal. The appellant produced bunch of medical bills evidencing that he spent a sum of Rs.2,982/-. The Tribunal awarded a sum of Rs.10,000/- towards medical expenses, extra nutrition and attendant charges and in addition, awarded a sum of Rs.1,000/- towards transport expenses. The Tribunal also awarded Rs.6,000/- for the loss of income for a period of two months. In all, the Tribunal awarded a sum of Rs.22,000/-. The Tribunal has determined the compensation based on oral and

documentary evidence that was produced by the claimant. The said amount cannot be said in any way erroneous warranting interference. The compensation arrived at by the Tribunal is just and reasonable which is based on the evidence on record. There are no merits in the appeal.

The MACMA is accordingly dismissed. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in consequence.

M.S.K.JAI SWAL, J

Date: 9th June, 2017
Dsr

