

HON'BLE SRI JUSTICE G.SHYAM PRASAD

MACMA No.798 OF 2010

JUDGMENT:

This appeal is arising out of the order dated 02.02.2010 in MV OP No.378 of 2008 on the file of the Chairman, Motor Accidents Claims Tribunal-cum-District Judge, Chittoor.

2. The appellant is the minor girl aged about 11 years by the date of the accident. She filed the above original petition claiming compensation of Rs.2 lakhs on account of the injuries sustained by her in the motor vehicle accident occurred on 22.02.2007.

3.] The brief facts of the case are that while the petitioner was proceeding along with her brother Balaji on a cycle towards Kajoor to attend tuition and when they reached near Kajoor junction, one motor cycle bearing No.AP-03-K-7743 driven in a rash and negligent manner and dashed against the cycle of the petitioner. The petitioner and her brother sustained injuries in the accident. The petitioner sustained fracture to her left leg and she was admitted in Government Hospital, Chittoor, from there she was shifted to CMC Hospital, Vellore. She incurred medical expenditure of Rs.30,000/-. The police, Chittoor Traffic Police Station registered a case in Crime No.16 of 2007 against the respondent and filed the charge sheet in C.C.No.582 of 2007 on the file of the IV Additional Judicial Magistrate of First Class, Chittoor. The petitioner sustained fracture of lower 1/3rd shaft of both bones of left leg and other injuries. Even after the accident, she was unable to walk properly and she has lost her academic career for one year and therefore, prayed to award compensation of Rs.2 lakhs.

4. The respondent-owner of the crime vehicle remained ex parte before the Tribunal.

5. The point for consideration in this matter is:

Whether the appellant is entitled for enhancement of compensation?

6. Heard the learned counsel for the appellant. Notices served to the respondent but none appeared on his behalf and the arguments are deemed to have heard.

7. The learned counsel for the appellant submitted that the Tribunal awarded a very meager compensation without considering the evidence of the medical officer and the nature of the injuries suffered by the petitioner and her age.

8. At the outset, it is obvious that the Tribunal has not considered the evidence of the medical officer properly and awarded inadequate compensation. PW-2 is the medical officer who gave evidence to the effect that the appellant has sustained fracture of lower 1/3rd shaft of both bones of left leg and other injuries. PW-1 is the father of the petitioner clearly deposed about the nature of the injuries suffered by her in the accident. He stated that due to the injuries suffered by her, she is unable to concentrate on her studies and she is unable to stand, walk and sit properly. The Tribunal awarded Rs.30,000/- towards pain and suffering apart from allowing medical bills to a tune of Rs.2,862/-.

9. The Motor Vehicles Act is a beneficial legislation. The Tribunal has to take into consideration the age, occupation and nature of the injuries suffered by the petitioner while awarding compensation. It is obvious that the appellant is a minor girl aged 11 years. She was a student. She lost one year of her academic career because of the injuries received by her. There is evidence on record to show that she was unable to walk, stand and sit properly after the accident because of the injuries suffered by her. The medical officer PW-2 clearly deposed that the petitioner had

received one grievous injury. On consideration of the medical evidence and the nature of the injuries suffered by the petitioner, the compensation awarded by the Tribunal is enhanced as shown in the tabular form given below:

Sl.No.	Name of Head	Compensation awarded by the Tribunal	Compensation Awarded by this Court
1.	Pain and suffering	Rs.30,000/-	Rs.40,000/-
2.	Transportation, extra nourishment and attendant charges	---	Rs.10,000/-
3	Loss of academic year for one year	---	Rs.20,000/-
4.	Medical expenses	Rs.2,862/-	Rs.5,000/-
	Total	Rs.32,862/-	Rs.75,000/-

10. Having considered the facts and circumstances of the case, the compensation awarded by the Tribunal is enhanced to Rs.75,000/-.

11. In the result, the appeal is partly allowed. The compensation awarded by the Tribunal at Rs.32,862/- is enhanced to Rs.75,000/- (Rupees seventy five thousand only) with interest at 7.5% per annum from the date of the petition till realization with proportionate costs. The respondent is directed to deposit the said compensation amount within two months from the date of receipt of a copy of this order. On such deposit, the appellant is permitted to withdraw the entire amount. There shall be no order as to costs.

As a sequel, miscellaneous petitions, if any, pending in this appeal shall stand closed. No order as to costs.

G. SHYAM PRASAD, J

Date:16.02.2017
ccm

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