

THE HON'BLE MS. JUSTICE J. UMA DEVI

M.A.C.M.A.NO. 2992 of 2005

JUDGMENT:

The order dated 08.07.2005 passed by the II Additional District Judge-cum-Motor Accidents Claims Tribunal (Fast Track Court), Srikakulam, in M.V.O.P.No.262 of 2001, is assailed by the claimant raising a main contention that no adequate compensation is awarded to him in respect of the injuries sustained by him in the accident dated 25.11.2000.

2. The case of the appellant/claimant is that he is a purohit by profession and was earning Rs.3,000/- per month. On 25.11.2000 while he was proceeding to Visakhapatnam along with his family members in an APSRTC bus bearing No.A.P.10Z 3071, when the said bus reached near Korrai gate at about 8.00 P.M., it was dashed against a stationed lorry and as a result of which he sustained grievous injury on his face apart from other injuries all over his body. Soon after the accident, he was taken to the Government Hospital and from there to a private hospital and incurred huge expenditure towards medical treatment. Therefore, he laid the claim before the Tribunal claiming compensation of Rs.30,000/-from the respondents.

3. The 2nd respondent has filed counter disputing the negligence attributed to the driver of the APSRTC bus and also the quantum of compensation etc.,

4. During the course of enquiry, the claimant examined himself as P.W.1 and marked Exs.A1 to A5. On behalf of the respondents, R.W.1 was examined.

5. The appellant's main contention is that adequate compensation has not been awarded to him by the Tribunal though Ex.A2-wound certificate discloses that he received four injuries on the vital parts of the body i.e., lower jaw, left cheek, right eye-brow and nose.

6. Despite service of notice, the 2nd respondent did not choose to appear either in person or through any Counsel.

7. I have considered the contentions of the learned Counsel for the appellant and perused the impugned award passed by the Claims Tribunal and the material available on record.

8. The finding given by the Tribunal that the accident occurred due to the negligent driving of the APSRTC bus by its driver cannot be held as incorrect since the ocular testimony of P.W.1 is corroborated with the documentary evidence in all aspects.

9. So far as the quantum of compensation awarded by the Tribunal is concerned, the Tribunal seems to have awarded a sum of Rs.4,000/- towards the injuries sustained by the claimant and Rs.482/- towards medical expenditure. Thus, the Tribunal awarded a total compensation of Rs.4,482/-. As per Ex.A2-wound certificate, the appellant-claimant sustained the following injuries:

- (1) A lacerated injury over the middle front of the lower jaw.
- (2) A lacerated injury over the left cheek, skin deep.
- (3) A lacerated injury over the inner half of the right eye-brow.
- (4) Four irregular shaped lacerated injuries over the nose.

10. There is no dispute on the aspect that all the above injuries sustained by the appellant-claimant are simple in nature. The aforesaid injuries might have caused lot of discomfort to the appellant-claimant, especially, due to the lacerated injuries over the middle front of the lower jaw and also inner half of the right eye-brow. Considering the same, reasonable compensation might have been awarded by the Tribunal. Taking into consideration the nature of injuries sustained by the appellant-claimant, this Court is of the view that the compensation can be enhanced to Rs.10,000/- as against Rs.4,482/-.

11. In the light of the discussion held above, the appeal is allowed in part awarding compensation of Rs.10,000/- (Rupees Ten Thousands only) as against Rs.4,482/- together with interest @ 7.5% per annum from the date of filing of the claim petition till the date of realization and it shall be payable by respondent No.2. The appellant-claimant is permitted to withdraw the entire compensation amount at once.

Miscellaneous applications, if any pending in this appeal, shall stand closed. There shall be no order as to costs.

JUSTICE J. UMA DEVI

20.04.2017
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