

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

M.A.C.M.A. No.1170 OF 2010

JUDGMENT:

This Motor Accident Civil Miscellaneous Appeal is arising out of the order, dated 30.11.2009, passed in M.V.O.P.No.232 of 2007 by the Chairman, Motor Accidents Claims Tribunal-cum-District Judge, Krishna at Machilipatnam (for short, the Tribunal).

2. This is a claimant's appeal. The appellant filed M.V.O.P.No.232 of 2007 before the Tribunal claiming compensation of Rs.1,00,000/- for the injuries sustained by him in a motor accident that occurred on 20.04.2006.

3. The brief facts of the case are that on 20.04.2006 the first appellant along with another Ch.Malleswara Rao going to Gudivada on their bicycles to bring rice brawn powder in the rice mill near Kothibomma Centre, and since it was not available, at about 10.30 am., when they were crossing road to go to another rice mill, RTC bus bearing No.AP10Z 110 being driven by the first respondent in a rash and negligent manner, dashed the first appellant. In the said accident, the tyre of the bus ran over on the left foot of the first appellant, as a result of which, he got bleeding injuries to his left leg and left band wrist. On account of the injuries received by him in the accident, the first appellant claimed compensation of Rs.1,00,000/- under various heads.

4. Before the Tribunal, the first respondent entered appearance, and later he remained ex parte. The second respondent filed its counter opposing the claim of the petitioner. During the pendency of said MVOP, the first appellant died and his legal heirs i.e., appellants 2 to 4 were brought on record. The Tribunal, on consideration of oral and documentary evidence, awarded total compensation of Rs.21,987/- i.e., Rs.10,387/- towards medical expenses, Rs.6,600/- towards attendant charges and Rs.5,000/- towards general damages. Being not satisfied with the quantum of compensation, the appellants are before this Court.

5. Heard the arguments of Sri Y.Ramatirtha, learned counsel for the appellants and Sri K.Satyanarayana Murthy, learned Standing Counsel for second respondent.

6. The point for consideration in this matter is whether there are sufficient grounds for enhancement of compensation in this appeal?

7. Learned counsel for the appellant submitted that the compensation awarded by the Tribunal is inadequate and requested for enhancement of the compensation.

8. Learned standing counsel for the second respondent vehemently opposed for enhancement of compensation on the

ground that the Tribunal has awarded adequate compensation.

9. It is obvious that the Tribunal has not granted adequate compensation under some heads like transportation charges and extra nourishment. The attendant charges @ Rs.6,600/- for 66 days is also inadequate. Therefore, on consideration of the evidence on record, which clearly reveals that the deceased was treated as in patient for about 66 days, for the injuries sustained by him in the accident, and P.W.2 has testified that he has treated the deceased, for about six months, thereafter gave prescription under Ex.A.9. This evidence of P.W.2 clearly reveals that the injured had taken treatment from P.W.2 and incurred medical expenditure.

10. On consideration of the evidence, the compensation awarded by the Tribunal is enhanced, as shown in the tabular form.

Sl.No.	Name of Head	Compensation Awarded by Tribunal	Compensation Awarded by this Court
01.	Medical expenses	Rs.10,387/-	Rs.10,387/-
02.	Attendant charges	Rs.6,600/-	Rs.15,000/-
03.	General damages	Rs.5,000/-	Rs.20,000/-
04.	Transport and extra nourishment	Nil	Rs.20,000/-
	TOTAL	Rs.21,987/-	Rs.65,387/-

11. In the result, the appeal is allowed in part modifying the impugned award passed by the Tribunal, by enhancing the compensation from Rs.21,987/- to Rs.65,387/- with subsequent interest @ 7.5% per annum from the date of petition till the realisation. The second respondent is directed to deposit the amount within two months from the date of receipt of a copy of this judgment. On such deposit, the appellants are permitted to withdraw the entire amount. There shall be no order as to costs.

12. As a sequel, miscellaneous petitions, if any, pending shall stand closed.

Date: 23.02.2017
TJMR

GUDISEVA SHYAM PRASAD, J

