

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Civil Miscellaneous Appeal No.515 of 2003

JUDGMENT:

The present Civil Miscellaneous Appeal is preferred questioning the compensation of Rs.65,000/-, as against Rs.1,25,000/-, awarded to the petitioner/claimant with interest at 12% p.a. under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act') in a claim made by the petitioner for the injuries sustained by her with disability of 15%, of course, at the age of 50 years, but drawing a salary of Rs.4,280/- per month, even in the year 1993.

2. The learned Chairman, Motor Vehicle Accident Claims Tribunal-cum-District Judge, Adilabad, having referred to the fact situation leading to the petitioner sustaining injuries and also the fact situation in another O.P. No.366 of 1993, which was jointly tried and disposed of by a common order dated 15.4.1994, wherein the claim was in relation to the death of the husband of the 1st petitioner-Smt. Dahagam Padma in O.P. No.366 of 1993, incidentally, father of the minor petitioners 2 to 4, having framed the relevant issues, examining P.Ws.1 and 2 and exhibiting Exs.A1 to A21 documents, recording a definite finding on Issue No.1 that due to rash and negligent driving of the 1st respondent Jeep bearing No.API-3594 to attend the departmental meeting at the office of the Regional Deputy Director, Women and Child Welfare at Warangal, the accident occurred and the petitioner sustained injuries.

3. On Issue No.2 in O.P.No.352 of 1993, learned Chairman referring to the treatment undergone by the petitioner and finding that there was crush injury to the left hand little finger, fracture on the dorsal side of the palm and left hand, and the little finger of left hand was amputated and she being treated as In-patient for nine days, and that she was taken treatment at Hyderabad and on appreciating the evidence through Exs.A1 to A21, taken partial permanent disability at 15%, age of the petitioner as 50 years and salary at Rs.4,280/- per month, awarded Rs.30,000/- towards pain and suffering, loss of amenities of life and loss of expectation of life; Rs.10,000/- towards medical expenses, incidental charges, transport charges and attendant charges; and Rs.25,000/- towards pecuniary losses totalling to Rs.65,000/- with 12% interest thereon. The said award has been under challenge in the present Appeal under Section 173 of the Act.

4. Heard the learned Government Pleader for Arbitration appearing for the appellants. No representation for the learned counsel for the respondent No.1, Sri Vinod Kumar Deshpande.

In fact, the present appeal was dismissed against the respondent No.2 for default vide Court Order dated 17.9.2002, but no attempt was made to get the said order set aside. On this short ground, even the present appeal is liable to be dismissed, but even otherwise there is no merit in favour of the appellants.

5. The reasoning adopted by the learned Tribunal in awarding a sum of Rs.65,000/- quantifying it under relevant heads both under 'general damages' and 'special damages' cannot be faulted. In fact, as mentioned in the above, there is amputation. No doubt, amputation is in relation to the little finger of the left hand, but it has been associated with fracture even, and the petitioner has undergone surgical intervention.

6. Keeping in view, the sufferance of the petitioner which she had undergone on account of the injury and inconvenience she was subjected to compensation of Rs.65,000/- awarded by the Tribunal cannot be considered as either excessive or arbitrary.

7. There is no merit in the present Appeal, and, therefore, the same is dismissed. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the Civil Miscellaneous Appeal shall stand closed.

A. SHANKAR NARAYANA,J

Dt. 11.10.2017
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