

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

C.M.A No.2618 of 2004

JUDGMENT:

This civil miscellaneous appeal is filed questioning the award of Rs.2,89,353/- in M.V.O.P.No.241 of 2001, by common order, dated 17.10.2003, passed by the learned Chaiman, Motor Accidents Claims Tribunal-cum-III Addl.District Judge, Vijayawada (for short "the Tribunal") on the ground that the compensation is excessive.

The Tribunal passed a common order in three M.V.O.P.Nos.183, 187 and 241 of 2001 and awarded compensation to each of the claimants, against which the appellant herein filed three appeals. The appeals filed against the award passed in M.V.O.P.Nos.183 and 187 of 2001 were disposed of by this Court by a common judgment, dated 22.08.2014, in CMA Nos.2391 and 2396 of 2004, dismissing the appeals, holding that the amounts awarded to the claimants are very meager, though the claimants sustained multiple injuries.

According to PW 3, the 1st respondent took treatment for 20 days at Appollo Hospital at the first instance and later took treatment for further period of 20 days and underwent surgery to his brain, for which the 1st respondent spent nearly a sum of Rs.2,50,553-40 ps towards medical expenses. PW 4 stated that the medical bills produced by the 1st respondent are the bills issued by the Appollo hospital. PW 4 further deposed that the 1st respondent sustained multiple fracture to his skull bone and contusions on frontal lobes of brain with severe swelling and he was treated as inpatient from 12.05.1998 to 23.05.1998, and again from 15.07.1998 to 01.08.1998. Having considered the oral and documentary evidence produced by the 1st respondent, the Tribunal awarded total compensation of Rs.2,89,353, under four heads, viz., (1) for medical bills – a sum of Rs.2,50,553.40 ps, (2) Transport to hospitals – a sum of Rs.1,000/-, (3) Loss of earnings – a sum of Rs.6,000/-, and (4) Extra nourishment – a sum of

Rs.1,800/-. The amounts awarded under above heads appear to be very meager and not excessive or exorbitant.

With regard to the liability of the appellant/RTC to pay the compensation, this court has already considered the same in the two CMAs, which are referred to above. The same grounds are raised in the present CMA as well. Since the findings in CMA Nos.2391 and 2396 of 2004, dated 22.08.2014 are on the self-same facts, it is held that the appellant is liable to pay the compensation to the 1st respondent as decreed by the Tribunal.

Having perused the award in so far as the 1st respondent herein is concerned, I am of the opinion that the amount granted by the Tribunal is just and reasonable considering the nature of the injuries sustained by the 1st respondent. I see no ground to interfere with the impugned award.

In the result, the civil miscellaneous appeal is dismissed. No order as to costs.

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

Date: .01.2017
Dsr

M.S.K.JAI SWAL,J

