

HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD

MACMA No.2845 OF 2012

JUDGMENT:

This Appeal is arising out of the order, dated 19.07.2012, in M.V.O.P.No.239 of 2008 on the file of the Motor Accidents Claims Tribunal-cum-VII Additional District Judge (FTC), Nizamabad at Bodhan.

2. The appellant is the petitioner. He filed the above referred O.P. under Section 166(1)(a) of the Motor Vehicles Act, 1988 read with Rule 455 of the A.P. Motor Vehicles Rules, 1989, for grant of compensation of Rs.1,00,000/- on account of the injuries sustained by him in a motor vehicle accident that occurred on 30.06.2007.

3. The brief facts of the case are that on 30.06.2007 the petitioner along with others travelling in an auto rickshaw from Bodhan towards Nizamabad and when they reached near Reliance petrol pump, Achanpally, Bodhan at about 7.00 P.M. suddenly one auto trolley bearing No.AP25-V-4009 came in opposite direction in a rash and negligent manner at high speed and dashed the auto as a result of which, the petitioner sustained fracture and dislocation of right knee joint, fracture of femoral condyle right, injuries on both hands, both legs, injury on head and multiple and grievous injuries on various parts of the body. The petitioner was shifted to Government Hospital, Bodhan and thereafter, he was referred to private orthopedic surgeon and was shifted to the hospital of Dr.L.Ramulu where he was treated from 01.07.2007 to 03.07.2007 and underwent operations and thereafter he was shifted to Sri Guru Govind Singhji Memorial Hospital, Nanded where he was treated from 03.07.2007 to 16.07.2007 and underwent operations and incurred expenditure of Rs.80,000/-.

4. Respondent No.1, owner of the auto was set *ex parte* and respondent No.2 filed counter denying the allegations made in the petition.

5. The Tribunal, on consideration of the oral and documentary evidence, has awarded compensation of Rs.61,000/- as against the claim of Rs.1,00,000/-.

6. Heard Sri V.Satyam Reddy, learned counsel representing Sri Azar Sravan Kumar, learned counsel for the appellant and Sri Naresh Byrapaneni, learned counsel for respondent No.2.

7. The point that arises for consideration is whether the appellant is entitled to enhancement of compensation?

8. Learned counsel for the appellant submits that the Tribunal has not awarded adequate compensation for the medical expenses incurred by the appellant.

9. Learned counsel for the respondents submits that the Tribunal has already considered about medical expenditure in para 15 of the judgment which clearly reveals that the medical bills under Exs.A4, A10 to A33 were considered by the Tribunal and awarded an amount of Rs.13,000/-.

10. In view of the representation made by the learned counsel for the appellant that the compensation awarded by the Tribunal with regard to the injuries is inadequate, I deem it appropriate to consider enhancement of the compensation as under:

For the two grievous injuries as awarded by the Tribunal at Rs.15,000/- for each injury, is enhanced to Rs.25,000/- each, which comes to Rs.50,000/-. As far as simple injury is concerned, the amount of Rs.3,000/- awarded by the Tribunal, is enhanced to Rs.5,000/-.

11. In the result, the appeal is partly allowed enhancing the compensation awarded by the Tribunal from Rs.61,000/- to Rs.83,000/- with interest at 7.5% per annum from the date of petition till realization. The respondents are directed to deposit the 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 same, if he has not withdrawn earlier. There shall be no order as to costs.

The Miscellaneous petitions, if any, pending, in this MACMA shall stand closed.

Date : 28.02.2017  
ssp

\_\_\_\_\_  
GUDI SEVA SHYAM PRASAD, J

