

HON'BLE SRI JUSTICE G.SHYAM PRASAD

MACMA No.789 of 2010

JUDGMENT:

This appeal is arising out of the order dated 25.09.2009 in MVOP No.1371 of 2008 on the file of the Motor Accidents Claims Tribunal-cum-XI Additional District Judge (Fast Track Court), Tenali.

2. The appellant is the petitioner, who filed MVOP No.1371 of 2008 under Section 163-A of the Motor Vehicles Act, 1988 claiming compensation of Rs.2,00,000/- on account of injuries and permanent disability sustained by him in a motor vehicle accident occurred on 10.10.2008.

3. The Tribunal, on consideration of the evidence of sole witness PW1-injured and the documents Exs.A1 to A4, has awarded compensation of Rs.25,000/- for the injuries sustained by him in the accident. Aggrieved by the order passed by the Tribunal, the appellant/petitioner filed this appeal claiming for enhancement of compensation.

4. The point for consideration is:-

Whether the appellant is entitled for enhancement of compensation?

5. Heard Sri B.Parameswara Rao, learned counsel for the appellant and Sri P.Durga Prasad, learned counsel for the respondent.

6. Learned counsel for the appellant submits that the Tribunal has awarded Rs.15,000/- towards pain and suffering and Rs.10,000/- as temporary loss of income. It is submitted that the Tribunal ought to have awarded some amount for extra nourishment, attendant charges, transport and medical expenditure. It is further submitted that the petitioner was treated as inpatient for about nine days in a Government General Hospital, Guntur and he has incurred huge medical expenditure and the medical bills (Ex.A2) filed to that effect, but the trial Court has not awarded adequate compensation.

7. Learned counsel for the respondent submits that the appellant was admitted in the hospital two days after the accident. It clearly shows that he received simple injuries, that is why, he was admitted two days after the accident, therefore, the compensation awarded by the Tribunal for simple injuries is adequate, therefore, it does not require any interference.

8. It is pertinent to note that PW1 met with the accident and received injuries. The medical record is not clear as to what type of injuries received by the appellant and the treatment given to him. But the record shows that he was treated as inpatient for nine days in the Government Hospital, Guntur and the medical bills are submitted to that effect. But no medical officer is examined to prove the medical bills.

The Tribunal, on consideration of the evidence of PW1-injured, awarded Rs.5,000/- towards pain and suffering. The record shows that the appellant was working as a teacher by the date of incident. Therefore, the Tribunal awarded Rs.10,000/- towards temporary loss of earnings. Ex.A4 shows that he was working in Zilla Parishad High School, Peddagollapalli. The certificate was issued by Head Master, Zilla Parishad High School to the effect that he was on earned leave for 25 days, but the salary certificate was not filed, to prove his salary. Therefore, the Tribunal has taken into consideration, the temporary loss of income as Rs.10,000/- which does not require any interference.

9. Having regard to the facts and circumstances, there are no grounds for enhancement of compensation in this matter.

10. In the result, the appeal is dismissed. No costs

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

G.SHYAM PRASAD,J

Date : 09.02.2017
ssp