

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.471 OF 2014

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Order and Decree dated 23.11.2011 passed in M.V.O.P.No.297 of 2007 by the Motor Vehicles Accidents Claims Tribunal (District Judge) at Rajahmundry (for short, the Tribunal).

2. The brief facts of the case are that on 26.12.2005 at about 9.00 pm., while the appellant and another were proceeding on TVS XL bearing No.AP20T 6014 on the left side of NH-5 from Narendrapuram to Morampudi Junction, and when they reached near SRMT work shop, Morampudi, Rajahmundry, a lorry bearing No.AP5V 6633, driven by the first respondent, came with high speed in a rash and negligent manner and dashed the motorcycle of the appellant. In the said accident, the appellant and another sustained grievous injuries to his left leg near the thigh and knee and other multiple injuries all over the body. He filed aforesaid MVOP claiming compensation of Rs.5,00,000/- against respondents 1 and 2, the owner and insurer of the aforesaid lorry, for the injuries sustained by him in the said accident.

3. The respondents filed their written statements denying the averments of the claim petition and contended that the amount claimed is excessive and prayed to dismiss the claim petition.

4. After considering the oral and documentary evidence on record, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the

lorry and awarded total compensation of Rs.3,53,610/- i.e., Rs.2,80,800/- towards loss of future earning capacity, Rs.25,000/- towards pain and suffering, Rs.36,810/- towards medical expenses, Rs.1,000/- towards extra nourishment and damages to clothes and Rs.10,000/- towards loss of future amenities with 7.5% interest.

5. Heard.

6. Before the Tribunal, the appellant produced Ex.A.3-certificte showing the disability as 60%. He also got examined P.W.3, the doctor, who admitted in his cross-examination about the disability of the appellant as 60%. Basing on the same, the Tribunal fixed the disability of the appellant at 60% and awarded the compensation accordingly. The Tribunal passed a well considered order by taking into consideration all the aspects and hence, I see no grounds to interfere with the order of the Tribunal.

7. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed. Miscellaneous petitions pending, if any, shall stand dismissed. No order as to costs.

T.AMARNATH GOUD, J

Date: 03.12.2018
TJMR