

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.1382 OF 2014

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Judgment and Decree dated 11.05.2011 passed in M.V.O.P.No.253 of 2008 by the Motor Accident Claims Tribunal-cum-II Additional District Court (Fast Track Court), Srikakulam (for short, the Tribunal).

2. The brief facts of the case are that on 10.11.2007, the appellant was traveling in lorry bearing No.AP21W 8422 from Narasannapeta to go to Chilakapalem, that at 9.15 am., when the lorry reached a flyover at the road junction, it was stopped; that with a view to give way to the other passengers, he got down and that after all passengers got down from the lorry, when the appellant getting into the cabin of the lorry, the driver of the lorry without observing the appellant dashed him, as a result of which, the appellant fell down on the road and the lorry ran over his left leg causing multiple fractures and grievous injuries. He filed the claim petition claiming compensation of Rs.1,50,000/- against respondent Nos.1 and 2, the owner and the insurer of the aforesaid lorry.

3. Before the Tribunal, respondent No.1 remained *ex parte*. Respondent No.2 filed written statement denying the averments of the claim petition and contended that the appellant was not authorized to travel in the lorry, which is a goods vehicle; that therefore, the appellant is not entitled to claim any compensation

and that the amount claimed is excessive and prayed to dismiss the claim petition.

4. After considering the evidence produced by the parties, the Tribunal granted a total sum of Rs.60,000/- i.e., Rs.20,000/- towards loss of income for six months, Rs.20,000/- towards pain and suffering, Rs.10,000/- towards medical expenses and Rs.10,000/- towards attendant charges with 9% interest. Aggrieved by the said Judgment, the present appeal is filed by the claimant.

5. Heard.

6. The Tribunal passed a well considered judgment and as such, it needs no interference, except granting additional amount of Rs.10,000/- towards pain and suffering and Rs.10,000/- towards extra nourishment. Except the above modification, the judgment passed by the Tribunal remains unchanged.

7. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed to the extent indicated above. The respondents are directed to deposit the compensation amount along with proportionate costs and interest within two months from the date of receipt of a copy of this order. On such deposit, the appellant is permitted to withdraw the entire amount. Miscellaneous petitions pending, if any, shall stand closed.

T.AMARNATH GOUD, J

Date: 28.11.2018
Shr