

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.1690 OF 2014

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Order and Decree dated 30.05.2007 passed in M.V.O.P.No.106 of 2004 by the Motor Vehicle Accident Claims Tribunal (IX Additional District Judge), Guntur (for short, the Tribunal).

2. The brief facts of the case are that on 31.01.2004 at about 00.30 hours, while the appellant and others were going on the road by walk at Ankireddypalem, Guntur Rural Mandal, Guntur on NH-5 road, TVS Victor bearing No.AP07S 0397 came with high speed in a rash and negligent manner and hit the appellant and another. In the said accident, the appellant sustained fracture injuries to his right leg between knee and ankle and other multiple injuries all over the body and fell in unconscious. He filed aforesaid MVOP claiming compensation of Rs.1,50,000/- against respondents 1 and 2, the owner and insurer of the aforesaid motorcycle.

3. Before the Tribunal, the first respondent remained *ex parte*. The second respondent filed its written statement 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 evidence produced by the parties, the Tribunal granted a total sum of Rs.31,000/- i.e., Rs.15,000/- towards pain and suffering, Rs.3,000/- towards treatment, transportation, attendance and extra nourishment, Rs.5,000/- towards disability, Rs.3,000/- towards future medical expenses and Rs.5,000/- towards loss of amenity, pleasure and loss of earnings. Dissatisfied with the quantum of compensation, the appellant filed the present appeal, seeking enhancement of the same.

5. Heard.

6. Ms.K.Swapna Madhuri, learned counsel appearing for Sri G.V.S.Mehar Kumar, learned counsel for the appellant, submitted that the appellant sustained fracture injuries and also 15% permanent partial disability. She further submitted to prove the injuries and disability, the appellant filed Ex.A.3-wound certificate and examined D.W.2, the doctor who treated the appellant, who deposed about 15% partial permanent disability and the treatment underwent by the appellant. She further submitted that due to the fractures and partial permanent disability, it has become difficult for the appellant to perform his day-to-day activities effectively and the same are affecting over his income, but the Tribunal granted meager amounts and sought to enhance the compensation amount.

7. Sri M.Leela Prasad, learned counsel for the second respondent, submitted that the amount awarded by the Tribunal is excessive and sought to dismiss the appeal.

8. In the facts and circumstances of the case, this Court feels that it would be appropriate to enhance the compensation under various heads as follows:

Sl.No.	Name of Head	Awarded by Tribunal	Awarded by this Court
01.	Pain and suffering	Rs.15,000/-	Rs.15,000/-
02.	Treatment, transportation, attendance and extra nourishment	Rs.3,000/-	Rs.3,000/-
03.	Disability	Rs.5,000/-	Rs.20,000/-
04.	Future medical expenses	Rs.3,000/-	Rs.12,000/-
05.	Loss of amenity, pleasure and loss of earnings	Rs.5,000/-	Rs.6,000/-
TOTAL		Rs.31,000/-	Rs.56,000/-

Except the said enhancement, rest of the award remains un-changed.

9. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed by enhancing the compensation amount awarded by the Tribunal from Rs.31,000/- to Rs.56,000/- with interest @ 8% per annum. The respondents are directed to deposit the enhanced 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: 29.11.2018
TJMR

