

**HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY**

**M.A.C.M.A.NO.131 OF 2006**

**JUDGMENT:**

Dissatisfied with the award of Rs.8,000/- towards compensation, as against Rs.1,00,000/- claimed under Section 166(1)(a) & 163-A of the Motor Vehicles Act, 1988, seeking enhancement of the same, the claimant preferred this Civil Miscellaneous Appeal against the order dated 11-08-2005 in OP. No.14 of 2001, on the file of Chairman, the Motor Accidents Claims Tribunal-cum-III Additional District Judge (FTC), Asifabad.

2. The appellant herein is the petitioner, while respondents are tractor driver, owner of the tractor involved in the accident and Insurance Company respectively in the O.P. before the Tribunal.

3. For the sake of convenience, the parties are hereinafter referred to as they were arrayed in the O.P. before the Tribunal.

4. The facts, in brief, are that the petitioner filed the OP claiming compensation of Rs.1,00,000/- for sustaining injuries in road accident that occurred on 22-05-2000 at about 9-00 A.M., while the petitioner was proceeding on a cycle from Mancheri to Vempally and when he reached near Labour Colony Chowrasta in Mancheri Town, Suddenly, the tractor bearing No.AP-1/T-9822 and Trailer No.AP-1/T-9823 driven by respondent No.1 in a high speed and dashed against him. Consequently, the petitioner fell down and sustained

grievous injuries. The respondents 1 to 3 being the driver, owner and insurer respectively of the crime vehicle are jointly and severally liable to pay compensation.

5. The respondents 1 and 2 remained exparte while the respondent No.3 filed counter.

6. Respondent No.3 denied the allegations as to the occurrence of the accident and disputed the claim of the petitioner, but admits that the vehicle was duly insured for the period from 14-02-2000 to 13-02-2001 and alleged that the compensation claimed is excessive.

7. The Tribunal basing on the evidence of PW.1 and Exs.A1 to A9, granted compensation of Rs.8,000/- with interest at 7.5% p.a. Against the quantum of compensation awarded by the Tribunal the petitioner who is the claimant filed the present appeal.

09. The appeal against respondent No.2 is dismissed vide court order dated 24-03-2017.

10. Heard Sri R.Venkat Ram Reddy, learned Standing Counsel for respondent No.3-Insurance Company.

11. Learned counsel for the appellant submits that though the petitioner laid claim for Rs.1,00,000/-, the Tribunal granted very meager amount of Rs.8,000/-. Though the petitioner suffered head injury, no compensation was awarded towards permanent disability.

12. In this case, PW.1 in his evidence stated that he received grievous injuries on the back side of his head and Ex.A.6 discharge card shows that the petitioner was admitted in Ramna Neuro Centre in

Karimnagar on 23-05-2000 and discharged on 24-05-2000. The Tribunal has granted Rs.2,000/- towards loss of earnings by holding that there was no evidence to show that how long he has taken treatment and the Tribunal also found that the petitioner received one lacerated injury and having come to conclusion that it might have taken one month for getting for healing and granted said amount. The said amount can be enhanced to Rs.5,000/-. It is found that the petitioner received head injury and took treatment in various hospitals, but the Tribunal has granted Rs.2500/- towards medical expenses and extra nourishment and the same is enhanced to Rs.15,000/-. The Tribunal also found from the Ex.A.2 scene of offence panchanama that one wheel of the cycle got damaged on which the petitioner sat on its back side and granted Rs.500/- towards damages to the cycle and the petitioner claimed Rs.1500/- and the same can be enhanced to Rs.1500/-. Further the Tribunal held that the petitioner suffered with head injury, but granted Rs.2500/- only towards pain and suffering and the same can be enhanced to Rs.10,000/-. Since the petitioner could not prove that he suffered with permanent disability as rightly held by Tribunal, no amount can be granted under that head.

13. In view of the facts and circumstances and the evidence on record, the compensation is enhanced to Rs.31,500/-.

14. Thus, the petitioner is entitled to a total sum of Rs.31,500/- (Rupees thirty one thousand and five hundred only) with interest @

7.5% per annum from the date of petition till realization, as against Rs.8,000/- granted by the Tribunal towards compensation.

15. Accordingly, the appeal is allowed in part modifying the order passed by the Tribunal, by enhancing the compensation, as indicated above, and confirming the same in all other respects. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in this appeal shall stand closed.

08-02-2018  
Nvl

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**A.RAJASHEKER REDDY, J**

