

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.195 OF 2014

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Order and Decree dated 08.11.2013 passed in M.V.O.P.No.475 of 2006 by the Motor Accident Claims Tribunal-cum-VII Additional District & Sessions Judge at Bodhan (for short, the Tribunal), awarding compensation of Rs.46,000/- on account of the injuries suffered by the claimant in a motor vehicle accident, as against the claim of Rs.1,86,000/-.

2. The brief facts of the case are that on 04.09.2002, while the appellant, who was working as an Auto driver, driving Auto bearing No.AP25U 2625 towards Bonkanpally Village from Madapoor, and when the Auto reached on the outskirts of Madapoor, he drove it in high speed and lost control over it and dashed against the motorcycle. In the said accident, he sustained fracture injuries to right clavicle and right wrist, head injury and other multiple injuries. He filed the claim petition claiming compensation of Rs.1,86,000/- against respondents 1 and 2, the owner and insurer of the aforesaid Auto.

3. The respondents filed their separate written statements denying the averments of the claim petition and contended that the appellant was not having valid driving license 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.46,000/- i.e., Rs.6,000/- towards loss of earnings, Rs.3,000/- towards transportation charges, Rs.2,000/- towards extra nourishment and Rs.5,000/- towards medical expenses and Rs.30,000/- towards pain and suffering.

5. Sri Azar Sravan Kumar, learned counsel for the appellant, submitted that the appellant sustained grievous injuries and two fractures, due to which, it has become difficult for the appellant to perform his day-to-day activities effectively and the same are affecting over his income. He submitted that the Tribunal granted meager amounts and did not grant any amount towards medical expenditure and sought to enhance the compensation amount.

6. Sri E.Venugopal Reddy, learned counsel for the second respondent, submitted that there is contributory negligence on the part of the appellant in the accident and that the amount awarded by the Tribunal is excessive and sought to dismiss the appeal.

7. A perusal of the Award of the Tribunal, it is clear that the Tribunal did not grant any amount towards medical expenditure and granted an amount of Rs.2,000/- towards extra nourishment, which is lower side. In the facts and circumstances of the case, this Court feels that it would be appropriate if Rs.10,000/- is awarded towards medical expenditure and Rs.10,000/- towards

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

8. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed by enhancing the compensation amount awarded by the Tribunal from Rs.46,000/- to Rs.64,000/- with interest @ 7.5% 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.

Date: 23.12.2018
TJMR

T.AMARNATH GOUD, J

