

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL MISCELLANEOUS APPEAL No.4501 of 2004

JUDGMENT:

This appeal is preferred by the claimant in M.V.O.P.No.568 of 2000 on the file of Chairman, Motor Accidents Claims Tribunal-cum-III Additional District Judge, Guntur, claiming compensation of Rs.1,00,000/- for the injuries sustained by her in a motor accident that occurred on 09.05.2000. While she was traveling in Tractor and Tractor bearing Nos. AP-27-T-9825 and AP-27-T-9876 along with household articles from Chirumamilla to go to Patamagalur Village on left side of Narasaraopet to Vinukonda Road, the driver of lorry bearing registration No.AP-16-W-5252 belonging to the 1st respondent, drove the same in a rash and negligent manner and dashed the tractor, as a result of which, tractor fell down, the petitioner and others received injuries. Immediately after the accident, the petitioner was shifted to Government Hospital, Narasaraopet and after giving first aid, she was shifted to Private Nursing Home of Dr.Kadiyala Venkateswara Rao, Narasaraopet. Crime No.18 of 2000 was registered in the respect of the said accident. The petitioner was aged about 50 years and earning Rs.50/- per day.

2. The 1st respondent after filing of the written statement remained *ex parte* and the 2nd respondent contested the matter.

3. The Tribunal framed the following issues for trial:

- “1. Whether the accident occurred due to rash and negligent driving of the driver of Lorry bearing registration No.AP-16-W-5252?
2. Whether the petitioner is entitled to compensation and if so, to what amount and against whom?
3. To what relief?”

4. The petitioner besides examining herself as P.W.1, examined P.W.2 and marked Exs.A.1 to A.5.

5. On the basis of oral and documentary evidence, the trial Court came to the conclusion that the accident occurred due to rash and negligent driving of driver of lorry bearing No.AP-16-W-5252 and awarded an amount of Rs.28,150/- by taking the disability at 15% and applying the multiplier '7' for her age of 50 years. The said amount included the amount of Rs.3,000/- towards medical expenses and Rs.5,900/- towards hospitalization charges and treatment and Rs.3,500/- towards pain and suffering.

6. Learned counsel for the appellant submits that the amount of percentage of disability at 15% is wrong and it should be taken as 20%.

7. The Tribunal observed that in the cross-examination of P.W.2, he stated that P.W.1 sustained fracture injury on both bones and she had deformity at the right leg and she is suffering disability of 15% to 20% and 15% was taken. The reasoning given by the Tribunal is sound and hence, the amount of compensation awarded by the Tribunal does not warrant any interference of this Court.

8. Accordingly, the appeal is dismissed confirming the order, dated 24.08.2004, in M.V.O.P.No.568 of 2000 passed by the Chairman, Motor Accidents Claims Tribunal-cum-III Additional District Judge, Guntur.

A.RAMALINGESWARA RAO, J

MARCH 22, 2018
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Date:22.03.2018

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