

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL MISCELLANEOUS APPEAL No.2833 of 2004

JUDGMENT:

The appellant is the claimant in O.P.No.605 of 2000 on the file of Chairman, Motor Accidents Claims Tribunal-cum-Additional District Judge, Nizamabad. She filed the claim petition claiming compensation of Rs.1,75,000/- for the injuries sustained by her in a motor accident that occurred on 03.03.2000. While she along with others were travelling in a Tata Sumo Van bearing No.AP-10-L-7830 from Nirmal in order to go to Vemulawada, when the said vehicle reached Doodgaon Village near Chakriyal road on National Highway 7, the driver of Tata Sumo drove the vehicle at high speed in a rash and negligent manner, as a result of which the Tata Sumo turned turtle and the claimant fell down and sustained injuries. She was initially admitted in Church of South India Hospital, Doodgaon and thereafter, she took treatment in private hospitals. She stated that she spent Rs.51,500/- towards medicines and extra-nourishment.

2. Respondents 1 and 2, who are driver and owner of the vehicle, remained *ex parte*. The 3rd respondent-insurance company contested the case.

3. On the basis of above pleadings, the following issues were framed for consideration by the Tribunal:

- “1. Whether the accident was due to rash and negligent driving of the vehicle bearing No.AP-10-L-7830 by its driver?
2. Whether the petitioner is entitled for compensation. If so, to what amount and from which of the respondents?
3. To what relief?”

4. The claimant was examined as P.W.1 and examined P.W.2, Doctor, apart from marking Exs.A.1 to A.7. The 3rd respondent marked Ex.B.1-insurnace policy.

5. The Tribunal, on the basis of oral and documentary evidence, came to the conclusion that the accident occurred due to rash and negligent driving of driver of Tata Sumo vehicle and the claimant sustained injuries in the said accident.

6. Now, the only point that remains for consideration is with regard to quantum of compensation that was awarded to the appellant.

7. The case of the appellant is that she sustained fracture to spine and other parts of the body. She stated that she spent an amount of Rs.51,500/- towards medicines and extra nourishment. P.W.2- Dr.T.Narsing Rao, an Orthopedic Surgeon, deposed that the appellant sustained 50% permanent partial disability, but, the Tribunal noticed that Ex.A.3-would certificate showed only two injuries i.e., one grievous injury and one simple injury and granted compensation of Rs.55,000/- and another amount of Rs.5,000/- was awarded towards medicines and extra-nourishment. An amount of Rs.5,000/- was also awarded towards past and future pain and suffering and accordingly, awarded an amount of Rs.65,000/- along with interest at 9% per annum.

8. Considering one grievous injury and one simple injury, the Tribunal granted an amount of Rs.65,000/- is quite reasonable and it does not warrant any interference for enhancement of compensation and accordingly, this Court sees no ground to allow the present appeal

9. Accordingly, the appeal dismissed confirming the judgment, dated 24.07.2003, in O.P.No.605 of 2000 passed by the Chairman, Motor Accidents Claims Tribunal-cum-Additional District Judge, Nizamabad.

Miscellaneous petitions, if any, pending in this appeal shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

MARCH 22, 2018

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Date:22.03.2018

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