

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

C.M.A. NO.4502 OF 2004

JUDGMENT:

This appeal is filed by the petitioner in M.V.O.P. No.569 of 2000 on the file of the Motor Vehicles Accidents Claims Tribunal, Guntur seeking enhancement of compensation. She filed the petition for an amount of Rs.87,000/- for the injuries sustained by her in a motor accident that occurred on 9.5.2000 while she along with others were travelling in Tractor No.A.P.27T-9825 and Tractor No.A.P.27T-9876 along with household articles from Chirumamilla to go to Patamagalur village on the left side of Narsaraopet to Vinukonda road. When they reached near Lakshmipuram village, the driver of the lorry bearing registration No.A.P.16W-5252 drove in a rash and negligent manner and dashed the Tractor and Tractor in the opposite direction. In the said accident, the petitioner received injuries. After giving first aid in Government Hospital, Narsaraopet, she was shifted to a private nursing home in Narsaraopet. A case in Crime No.18 of 2000 was registered in respect of the said accident. After filing the written statement, the 1st respondent remained ex parte and the 2nd respondent contested the case. It was pointed out that in the absence of owner of the Tractor and Tractor, the petition is not

maintainable. Apart from other things, the 2nd respondent stated that the driver of the lorry was not negligent.

2. On the above pleadings, the following issues were framed for trial:

“1. Whether the accident occurred due to rash and negligent driving of the driver of Lorry bearing registration No.A.P.16W-5252?

2. Whether the petitioner is entitled to compensation and if so, to what amount and against whom?

3. To what relief?”

3. The petitioner examined herself as PW1 and examined PW2- Doctor. Exs. A1 to A5 were marked. The Tribunal, on the basis of the evidence held that the accident occurred due to rash and negligent driving of the driver of the lorry bearing No.A.P.16W-5252. Based on the injuries, the Tribunal awarded an amount of Rs.36,500/- along with 9% interest p.a.

4. Learned counsel for the appellant submits that the amount awarded by the Tribunal is inadequate.

5. As per Ex.A4 certificate, the petitioner sustained two injuries i.e., 1)A lacerated injury of 7 cm X 1 cm present over right parietal bone and 2) Swelling and deformity of right wrist joint and middle third of right fore-arm. The first injury was stated to be simple and the second injury was stated to be

grievous. The disability was assessed as 10% and applying the multiplier of eleven, an amount of Rs.16,500/- was calculated towards disability to PW1. An amount of Rs.18,000/- was awarded towards medical expenses and treatment and Rs.2,000/- towards pain and suffering. Totally an amount of Rs.36,500/- was awarded.

6. In view of the nature of the injuries sustained by the appellant, the compensation awarded by the Tribunal is just and proper and it does not warrant any enhancement.

7. The appeal is accordingly, dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.



A. RAMALINGESWARA RAO,J

Date: 22.3.2018

KPM