

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. NO.451 OF 2014

JUDGMENT:

This appeal is filed by the claimant challenging the order dated 11.06.2008 passed in M.V.O.P.No.1343 of 2006, by the Motor Accident Claims Tribunal-cum- District Judge, Khammam (for short, the Tribunal).

2. The brief facts of the case are that on 25.09.2006, while the claimant was proceeding to a kirana shop and when he reached near the house of Kolla Venkaiah at about 13.00 hours, the rider of the scooty bearing No.AP20-I-8108 drove the same in a rash and negligent manner with high speed and dashed the claimant, as a result of which, the claimant fell down and sustained grievous injuries all over his body. The claimant filed a petition claiming compensation of Rs.1,00,000/- towards special and general damages.

3. The first respondent in the claim petition remained ex parte. The second respondent filed a counter denying the averments in the claim petition and contended that the amount claimed by the appellant is highly excessive and that the appellant is not entitled for any amount from the respondents and prayed to dismiss the claim petition.

4. After considering the evidence produced by the parties, the Tribunal held that the accident occurred due to rash and negligent driving of the driver of the scooty and awarded an amount of Rs.10,000/- with interest at the rate of 7.5% per annum from the date of petition till the date of realization. Dissatisfied with the quantum of compensation, the present appeal is filed by the claimant.

5. Heard.

6. As against the claim of Rs.1,00,000/- in respect of the injuries sustained by the claimant, who is a minor boy, an amount of Rs.10,000/- was awarded by the Tribunal, though the claimant has failed to prove his claim by producing any wound certificate or examined the doctor who treated him for the injuries sustained by him.

7. However, on the basis of medical certificate-Ex.A.3, prescription-Ex.A.4 and medical bills-Ex.A.5 produced by the appellant, this Court feels that the claimant sustained injuries leading to fractures on the right leg, left knee, left wrist and multiple injuries all over the body. As the claimant is a student, he might have lost one academic year due to the accident took place in the middle of the academic year i.e., in the month of September, 2006 and might have undergone treatment and bed rest for a couple of months, and therefore, this Court feels it just and proper to award an amount of Rs.40,000/- in all towards pain and

suffering, medical expenses and extra nourishment. Except the said modification, the remaining part of the award is unchanged.

8. Accordingly the appeal is partly allowed to the extent indicated above. Miscellaneous petitions pending if any shall stand closed. No order as to costs.

T.AMARNATH GOUD, J

Date: 26-11-2018

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