

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.1187 OF 2006

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Award and Decree dated 03-03-2006 passed in O.P.No.725 of 2002 by the Motor Accidents Claims Tribunal-cum-II Additional District Judge, Mahabubnagar (for short, the Tribunal).

2. The brief facts of the case are that on 17.02.2002 at about 8.30 P.M., the appellant and another were proceeding on a scooter bearing No.AP22D 4858 towards Kodur village, the auto bearing No.AP22U 1218, coming in the opposite direction in high speed and in negligent manner dashed the scooter. Due to which, the appellant fell down from the scooter and sustained injuries. He filed the aforesaid OP against respondent No.1-owner and respondent No.2 insurer of the auto, claiming compensation of Rs.2,00,000/- for the injuries sustained by him.

3. Before the Tribunal, respondent No.1 remained *ex parte*. Respondent No.2 filed its counter denying the averments of the claim petition and contended that the amount claimed is excessive and prayed to dismiss the claim petition.

4. After considering the oral and documentary evidence on record, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the auto by its driver and awarded compensation of Rs.32,000/- with interest @ 7.5% per annum. Aggrieved by the said award, the appellant filed the present appeal.

5. Heard.

6. A perusal of the award reveals that the Tribunal has awarded a just and reasonable compensation by taking into consideration of the injuries sustained by the appellant. However under the heads of pain and suffering, extra nourishment and transportation charges, the Tribunal has not awarded any amount. Thus a sum of Rs.15,000/- is awarded under the above heads.

7. Accordingly, the Motor Accident Civil Miscellaneous Appeal is partly allowed, enhancing the compensation from Rs.32,000/- to Rs.47,000/-. The enhanced amount shall carry interest @ 7.5% per annum from the date of claim petition till realization. Miscellaneous petitions pending, if any, shall stand closed. No costs.

Date: 25.09.2019
Shr

T.AMARNATH GOUD, J

