

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 1659 OF 2011

JUDGMENT:

This appeal is directed by the injured claimant against the order and decree dated 16.05.2011 passed in O.P.No.16 of 2006 by the Motor Accidents Claims Tribunal-cum-III Additional District and Sessions Judge, FTC, Nizamabad (for short 'the Tribunal), whereby the tribunal granted compensation of Rs.46,000/- with interest @ 7.5% per annum in a motor vehicle accident that occurred on 10.12.2004 when the claimant coming from tuition and reached in front of Padmashali Chinna Mallaiah House and was crossing main road, suddenly one goods lorry bearing No. HR 46B 1947 came at high speed in a rash and negligent manner from Navipet side, dashed against the claimant, for which she sustained fracture of right leg ankle, fracture injury to right foot, fracture injury to right hand, injury to forehead and other multiple injuries on various parts of the body, she was shifted to Sri Aditya Orthopedic Nursing, Home, Nizamabad for treatment, as against the claim of Rs.2,00,000/-.

2. Before the tribunal, respondent No.1 remained exparte. Respondent No.2 filed written statement denying the claim petition.

3. In order to prove the case of the claimant before the tribunal, PWs.1 and 2 were examined and marked Exs.A1 to A.6. Ex.B.1

policy was marked with consent, but no oral evidence was adduced on behalf of the respondents.

4. Learned counsel for the claimant contended that the tribunal failed to appreciate the evidence on record and granted very meager compensation and interest and hence, prayed to enhance just compensation and rate of interest.

5. It is a case of injuries. On perusal of the material available on record and having regard to the facts and circumstances of the case, the order passed by the tribunal is well considered. However, Rs.20,000/- granted towards two grievous injuries is meager, the same is enhanced to Rs.30,000/-, which is just and proper. In all other aspects, the order passed by the tribunal is unaltered. Thus, the claimant is entitled for total compensation of Rs.56,000/- (Rs.30,000/- + Rs.6,000/- + Rs.5,000/- + Rs.15,000/-). The compensation amount shall carry interest @ 7.5% per annum from the date of petition till the date of realization.

6. In view of the above, the appeal is allowed in part enhancing compensation from Rs.46,000/- to Rs.56,000/-. There shall be no order as to costs.

Miscellaneous petitions if any, shall stand closed.

T.AMARNATH GOUD,J

Date: 30-11-2019
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