

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.1665 OF 2011

JUDGMENT:

This appeal is preferred by the appellant/claimant questioning the order of the XXII Additional Chief Judge-cum-Motor Accidents Claims Tribunal, City Criminal Court, at Hyderabad (for short, the Tribunal) in O.P.No.1294 of 2009 dated 19.04.2011.

2. The brief facts of the case are that the appellant was a minor by the date of filing of the claim petition and subsequently he is declared as major on the application filed by him. On 07.11.2008, the appellant along with his friend Mohd. Rahamat Ali were traveling by motor cycle bearing No.AP 11BW T/R 3971 from Mahaveer Engineering College towards Chandrayangutta and at about 4.00 p.m., when they reached Mohan Reddy Petrol Pump at Udamgadda, lorry bearing No.AP 29T 3666, driven by its driver in a rash and negligent manner with high speed, hit the motor cycle and as a result, the appellant and his friend fell down and sustained grievous injuries. The appellant was a part time tutor teaching mathematics to class X students and was earning Rs.2,000/- per month as on the date of the accident. Hence, the appellant filed the claim petition claiming compensation of Rs.10,00,000/- payable by respondents 1 & 2, who are owner and insurer of the offending lorry.

3. The case of the 2nd respondent is that the person driving the offending lorry has no relation in force as on the date of the

accident to drive the offending vehicle and he was not holding a valid and effective driving licence as on the date of the accident and the 1st respondent willfully and knowingly has handed over the possession of the vehicle to the driver, who is not holding valid driving licence. Therefore, 2nd respondent and denied the allegations and contended that the amount claimed by the claimant is highly excessive and that it is not liable to pay any compensation and 1st respondent alone is liable to pay the compensation and therefore, 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 driver of the offending lorry and awarded total compensation of Rs.4,04,198/- with interest at the rate of 9% per annum. Dissatisfied with the quantum of compensation, the appellant/claimant filed the present appeal.

5. Heard.

6. A perusal of the order reveals that the Tribunal passed a well considered order by taking into consideration all the aspects and as against the claim of Rs.10,00,000/-, the Tribunal awarded an amount of Rs.4,04,198/- with proportionate costs and interest @ 9% per annum. Under the head of 'Shock, pain, suffering and loss of amenities of life', the Tribunal has awarded an amount of Rs.50,000/- as per the evidence of P.Ws.1 & 2 and Ex.A-2. Under

the head of 'Injuries depending upon the disability partial, full temporary or permanent', in the absence of the disability certificate, the Tribunal has considered the fractures the appellant sustained, the period of stay in the hospital and the number of surgeries undergone and awarded an amount of Rs.2,50,000/-. Under the head of 'Medical and Incidental Expenses', the Tribunal has awarded an amount of Rs.1,04,198/- i.e., Rs.13,030/- towards treatment charges, Rs.51,168/- towards purchase of medicines and Rs.40,000/- towards extra nourishment and transport charges. Hence, this Court finds that the compensation awarded by the Tribunal is just and reasonable. Therefore, I see no reason to interfere with the order of the Tribunal and the appeal is liable to be dismissed.

7. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand dismissed.

T.AMARNATH GOUD, J

Date: 18th July, 2019

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