

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.414 OF 2013

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Order and Decree dated 15.05.2003 passed in O.P.No.54 of 2000 by the Chairman, Motor Accidents Claims Tribunal-cum-I Additional District Judge, Ranga Reddy District, At L.B. Nagar, Hyderabad (for short, the Tribunal).

2. For the sake of convenience, the parties are hereinafter referred to as they were arrayed before the Tribunal in the original petition.

3. The brief facts of the case are that the petitioner is resident of Chinthalkunta, aged about 35 years, and labourer earning Rs.3,000/- per month. On 21.03.1998 at about 8.00 p.m., the petitioner and other co-labourers were proceeding from their factory, i.e., Mehar Metal Industry, Abdullapurmet, with chips to Chintalkunta, to unload the same in Tipper bearing No.AP 31T-2212, near Srinivasa Petrol Pump, the vehicle turned turtle due to high speed and rash and negligent driving of tipper. The petitioner along with others fell down and received injuries and shifted to Kamineni Hospital for treatment. The petitioner sustained fracture of left leg, fracture of left tibia and other injuries. Petitioner was treated in Kamineni Hospital as inpatient and incurred huge amount towards treatment. Due to the accident, he is unable to perform his labour work. Hence, the petitioner filed the claim petition claiming a compensation of

Rs.1,00,000/- payable by both the respondents, who are owner and insurer of the crime vehicle.

4 Before the Tribunal, Respondent No.2 filed counter denying the averments of the claim petition and contended that the amount claimed is excessive and prayed to dismiss the claim petition.

5. After considering the oral evidence of P.W.1 and the documentary evidence of Exs.A-1 to A-9 & Ex.B-1, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the Tipper bearing No.AP 31T-2212 and awarded total compensation of Rs.2,500/- i.e., Rs.1,000/- towards fracture injuries and Rs.1,500/- towards Medical expenditure, with interest @ 9% per annum from the date of petition till the date of payment, payable by both the respondents. Dissatisfied with the quantum of compensation, the appellant filed the present appeal, seeking enhancement of the same.

6. Heard.

7. Admittedly, as seen from the record, Ex.A-9-X-ray and A-8-Medical Bills, it is a case of two non-surgical fracture injuries, i.e., one fracture on the left leg and the other fracture on the left tibia. Therefore, since the amount of Rs.1,000/- granted by the Tribunal towards fracture injuries is very meager, this Court feels that it would be just and appropriate to grant Rs.5,000/-

each towards two fracture injuries. Accordingly, the said amount of Rs.1,000/- towards injuries is enhanced to Rs.10,000/-. Except the said enhancement, rest of the award remains un-changed.

8. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed by enhancing the compensation amount awarded by the Tribunal from Rs.2,500/- to Rs.12,500/-, payable by both the respondents jointly and severally. The enhanced amount shall carry interest @ 7.5% per annum from the date of petition till realization. The respondents are directed to deposit the enhanced amount along with proportionate costs and interest within two (02) months from the date of receipt of a copy of this order. On such deposit, the appellant is permitted to withdraw the entire amount. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in this appeal shall stand disposed of.

T.AMARNATH GOUD, J

Date: 18th October, 2019

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