

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 3094 OF 2005

JUDGMENT:

This appeal is directed by the injured claimant against the order dated 29.07.2005 in O.P.No.530 of 2001 passed by the Motor Accidents Claims Tribunal-cum-I Additional District Judge, Ranga Reddy District (for short 'the Tribunal'), whereby the Tribunal granted compensation of Rs.1,09,000/- with costs and interest @ 9% per annum from the date of petition till the payment as against the compensation of Rs.2,00,000/- on account of the injuries sustained by the petitioner in a motor vehicle accident occurred on 19.06.2000, when the injured started from Bible House towards Tank Bund on his scooter bearing No.AI 10 G 2716, reached Viceroy Hotel Cross Roads, Matador Van bearing No.AP 9U 504 being driven in a rash and negligent manner by its driver came from Tank bund side, which was crossing towards Kavadiguda, hit the scooter of the deceased, due to which the petitioner sustained injuries to his left leg and on upper limbs, shifted to the Railway Hospital, Mettuguda and treated as inpatient for more than four months and operated upon several times and that the injured is not able to walk properly.

Learned counsel for the injured claimant contended that the compensation granted by the tribunal is very low, as per the evidence of PW.2, doctor, who treated the petitioner stated that the petitioner suffered permanent disability at 35% to 40% by shortening of leg and hence, prayed to allow the appeal.

A perusal of the material available on record, having regard to the facts and circumstances of the case, the order passed by the tribunal is well considered and needs no interference by this Court except on the permanent disability. The claimant has not made out his case before the tribunal for the proof of the age. With the consent of both counsel, this Court feels that a fixed amount of Rs.91,000/- is granted to the injured claimant for permanent disability is just and reasonable and hence, a sum of Rs.91,000/- is granted towards permanent disability, which is 35% to 40% as per the evidence of PW.2-doctor, who treated the claimant. Thus, the injured claimant is entitled for Rs.2,00,000/- (Rs.1,09,000/- + Rs.91,000/-). The enhanced compensation amount shall carry interest 7.5% per annum from the date of petition till the date of realization. Both the respondents are directed to deposit the compensation amount jointly and severally within three months from the date of this judgment. The injured claimant is entitled to withdraw the compensation amount soon after the deposit is made.

In view of the above, MACMA is allowed. There shall be no order as to costs.

Miscellaneous petitions if any, shall stand closed.

T.AMARNATH GOUD,J

Date: 29.08.2019
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