

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.1827 OF 2006

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Order and Decree dated 23.02.2006 passed in O.P.No.981 of 2003 by the Chairman, Motor Accidents Claims Tribunal-cum-V Additional District Judge, At Nizamabad (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 aged about 18 years and student by profession. He is resident of H.No.1-5-40/7, Zirayathnagar, Armoor, of Nizamabad District. On 25.10.2002, the petitioner along with one R.Bhumanna were traveling in the crime auto bearing No.AP 25T 9733 came from Mamidipally Village to go to Armoor. On the way at about 6.15 p.m. when the said auto reached at Vidyut Traders Electrical Shop near Rajaramnagar Gate, Armoor, its driver has driven it with high speed in a rash and negligent manner dashed against three persons who were standing by the side of the road causing injuries to those persons. Thereafter, auto turned turtle, as such he and said R.Bhumanna sustained several injuries. He particularly sustained injuries i.e., fracture of 6th and 7th ribs of left side, fracture of transverse process of L-2 and L-3 of left lower back, injuries on left elbow, injuries on left ankle and

multiple and grievous injuries on other parts of the body. Immediately after the accident, he was shifted to Amrutha Laxmi Multiple Specialty Hospital, Nizamabad, where Dr.G.Jaya Prakash, Orthopaedic Surgeon, treated as inpatient. So far, he spent Rs.50,000/- towards medicines and extra nourishment. Because of injuries sustained in the accident, he sustained permanent disability and failed to appear to examinations and lost his one academic year. Therefore, the petitioner filed the claim petition claiming compensation of Rs.1,04,000/- payable by both the respondents jointly and severally, being the owner and insurer of the crime vehicle.

4 Before the Tribunal, the 1st respondent remained *ex parte*. Respondent No.2 filed written statement 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.Ws.1 & 2 and the documentary evidence of Exs.A-1 to A-6, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the crime auto bearing No.AP 25T 9733 and awarded total compensation of Rs.26,000/- i.e., Rs.20,000/- towards pain & suffering of two grievous injuries and Rs.6,000/- towards pain & suffering of two simple injuries, with interest @ 7.5% per annum from the date of petition till the date of realization, 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, for the two simple injuries suffered by the appellant, the Tribunal has awarded an amount of Rs.6,000/-, which is just and reasonable. But with regard to the amount of Rs.20,000/- awarded by the Tribunal towards pain & suffering of two grievous injuries, which is very meager, this Court feels that it would be just and reasonable if the same is enhanced by Rs.10,000/-. Therefore, the amount towards the head of pain & suffering of two grievous injuries comes to Rs.30,000/-. Therefore, the total compensation comes to Rs.36,000/- (Rs.30,000/- + Rs.6,000/-). 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.26,000/- to Rs.36,000/-, 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: 22nd October, 2019

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