

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.1554 OF 2006

JUDGMENT:

This appeal is filed by the injured claimant against the Judgment and Decree dated 13.04.2006 passed in O.P.No.869 of 2002 by the Motor Accidents Claims Tribunal-cum-I Additional District Judge, Nalgonda (for short, the Tribunal), whereby the Tribunal granted compensation of Rs.90,000/- together with interest @ 7.5% per annum from the date of petition till the date of realization, as against the claim of Rs.6,00,000/- on account of the injuries sustained by the appellant in a motor vehicle accident occurred on 09.09.2000 at about 09.30 p.m while the petitioner was proceeding by walk towards bus stand on the extreme left side of the road on the way when he reached just opposite to Government Hospital, Nakrekal, TVS Suzuki Samurai bearing No. AP 24 E 375, came in a rash and negligent manner from the back side and dashed against him, for which the petitioner sustained grievous head injury and multiple injuries all over the body.

2. For the sake of convenience, the parties herein are referred to as arrayed in the tribunal.

3. In order to prove the case of the petitioner, PWs.1 to 3 were examined and marked Exs.A.1 to A.14. No oral evidence is adduced on behalf of the respondents. Respondent No.1, owner of the vehicle remained exparte. Ex.B.1 copy of insurance policy was marked.

4. On considering the oral and documentary evidence, the tribunal awarded compensation as above on the ground that the petitioner

sustained injuries and that the insurance policy is in force, the respondents are jointly and severally liable to pay the compensation.

5. Learned counsel for the appellant contended that the compensation granted by the tribunal is very meager and that the tribunal erred in accepting the evidence of PW.2-doctor, who clearly certified that the petitioner suffered 60% disability and that the injuries sustained by the petitioner are grievous in nature and permanent and hence, prayed to enhance the compensation amount.

6. Learned Standing Counsel for the insurance company submitted that the Tribunal passed a well reasoned order by appreciating the evidence adduced before it and sought to dismiss the appeal.

7. There is no dispute with regard to the nature of accident and involvement of the vehicle. In the light of the evidence of PW.2 and Exs.A.3- copy of medical certificate, A5 – original discharge summary issued by Yeshoda Hospital, A6 – bunch of 15 prescriptions, A10 - salary certificate issued by the District Cooperative Bank, Nalgonda and A.11 – Medical certificate issued by Yashoda Hospital, Hyderabad, and as per evidence of PW.2-doctor the petitioner admitted in hospital on 09.09.2000 with a history of loss of consciousness, vomiting and altered sensorium and that the petitioner was discharged from the hospital on 28.04.2000. PW.2 also stated that on examination of the patient, he was irritable, blood pressure was 200/100, and was not moving his left side limbs and that C.T. scan of the brain revealed a large right ‘Cerebellar Hematome’ and right ‘parietal Hematoma. The petitioner has taken bed rest for a period of four months as per Ex.A.12-leave certificate. The accident occurred due to rash and negligent driving of the driver of the vehicle and the policy is in force, the respondents are liable to pay the

compensation amount. In all other aspects, the award passed by the tribunal holds good. Therefore, the petitioner is entitled for the following compensation.

Sl. No.	Name of head	amount awarded
1)	Non surgical injuries	Rs. 25,000/-
2)	Medical bills	Rs. 67,139-
3)	four months salary @ Rs.12,800/-	Rs. 51,200/-
4)	20 days attendant charges	Rs. 2,000/-
5)	Future treatment	Rs. 10,000/-
6)	Pain and suffering, permanent disability Even after five years.	Rs. 50,000/-
7)	Extra-nourishment	Rs. 5,000/-
Total		Rs.2,10,339/-

8. In the result, MACMA is partly allowed enhancing the compensation amount awarded by the Tribunal from Rs.90,000/- to Rs.2,10,339/-. The enhanced amount shall carry interest @ 7.5% per annum. The petitioner is permitted to withdraw the compensation amount soon after the deposit is made.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

Date: 20.09.2019
kvrn

T.AMARNATH GOUD, J