

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.466 OF 2011

JUDGMENT:

Appellant-claimant filed this appeal against the Award and Decree dated 03.07.2009 in O.P.No.1418 of 2005 on the file of the V Additional Metropolitan Sessions Judge, Mahila Court at Hyderabad (for short, trial Court), whereunder the trial Court granted an amount of Rs.30,000/- towards compensation along with interest @ 7.5% per annum as against the claim of Rs.3,00,000/- on account of the injuries sustained by the appellant in the motor vehicle accident occurred on 08.07.2004.

2. The manner of accident and the injuries sustained by the appellant-claimant are not in dispute and the appellant challenged the impugned award only on the quantum of compensation awarded by the trial Court. Therefore, this Court is not inclined to go into other details other than the quantum of compensation.

3. Sri K.Govardhan Reddy, learned counsel for the appellant, submitted that the trial Court erroneously granted meager compensation for the injuries sustained by the appellant and sought to enhance the same.

4. Sri N.Vasudeva Reddy, learned Standing Counsel for the respondent-RTC, submitted that the trial Court passed a well reasoned order by appreciating the evidence adduced before it and sought to dismiss the appeal.

5. Before the trial Court, the appellant claimed that in the accident, he sustained head injury and fracture to his jaws and bleeding injuries to his left hand and left leg, and filed Ex.A.4-medico legal patient's record and Ex.A.6-bunch of medical reports to prove the same. The appellant also examined P.W.2, the faculty in the Department of Plastic Surgery at NIMS, Hyderabad, who deposed that the appellant sustained injuries on his forehead and chin with a fracture of his lower jaw and that the appellant was operated by his colleague for fracture of lower jaw. But, the trial Court, did not accept the same and proceeded to award compensation as per item No.4 of second schedule of the Motor Vehicles Act, 1988, as the claim petition was filed under Section 163-A of the said Act.

6. In view of the evidence of P.W.2 that the appellant undergone plastic surgery and that he is required to undergo future medication and follow up treatment and also physiotherapy and rehabilitation, this Court is inclined to grant a sum of Rs.20,000/- towards future medication and physiotherapy and rehabilitation, apart from the amounts awarded by the trial Court. Except the said enhancement, the Award of the trial Court shall remain unchanged.

7. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed enhancing the compensation amount awarded by the trial Court from Rs.30,000/- to Rs.50,000/-. The enhanced amount shall carry interest @ 7.5% per annum from the date of

petition till the date of realization. Miscellaneous petitions pending, if any, shall stand closed. No costs.

T.AMARNATH GOUD, J

Date: 19-12-2019
TJMR

