

HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.1130 of 2006

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Order and Decree dated 17-11-2005 passed in M.V.O.P.No.725 of 2002 by the M.A.C.T.-cum- VII Additional District Judge (FTC), Nizamabad at Bodhan (for short, the Tribunal).

2. Brief facts of the case are that the claimant filed the claim petition against the respondents claiming compensation of Rs.1.50 lakhs for the injuries sustained by him in the accident occurred on 14-04-2002 due to the rash and negligent driving of the driver of the RTC bus bearing No.MH 20 D 3866 and dashed another RTC bus, when he was traveling in the same vehicle from Pitlam to Nizamsagar.

3. In the claim petition, the respondents-RTC filed its counter denying the averments of the claim petition and contended that the amount claimed is excessive and prayed to dismiss the claim petition.

4. After considering the oral and documentary evidence on record, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving on the part of the driver of the crime vehicle and accordingly granted compensation of Rs.22,000/- i.e. Rs.20,000/- towards ten simple injuries and Rs.2,000/- towards

pain and suffering, payable by the respondents, with interest at 7.5% per annum through out.

5. Dissatisfied with the quantum of compensation, the appellant/claimant filed the present appeal, seeking for enhancement of the compensation.

6. Heard and perused the material available on record.

7. Learned counsel for the appellant-claimant contends that the Tribunal ignored in appreciation of evidence regarding medical bills and the nature of injuries and therefore he prayed for fair compensation.

8. As seen from the order of the Tribunal, the Tribunal has disbelieved the evidence regarding injuries and the treatment of the claimant and finally granted the compensation for the injuries and pain and suffering. However, it cannot be denied that since the fact of injuries is accepted and the deceased was also undergone treatment, and therefore, though the evidence to that effect is silent, certain medical bills have been produced by the claimant and to which, awarding a sum of Rs.5,000/- towards medical bills is just and proper. Hence, the claimant is entitled to be granted an amount of Rs.5,000/- towards medical bills in addition to that of Rs.22,000/- granted by the Tribunal.

9. Accordingly, the claimant is granted total compensation of Rs.27,000/- (Rs.20,000/- + Rs.2,000/- + Rs.5,000/-).

10. In the result, the appeal is allowed in part by enhancing the compensation awarded by the Tribunal from Rs.22,000/- to Rs.27,000/- (Rupees Twenty Seven Thousand only). The enhanced amount of compensation shall carry interest at 7.5% per annum. The respondents are directed to deposit the enhanced amount along with proportionate costs and interest within two months from the date of receipt of a copy of this order. On such deposit, the appellant/claimant is permitted to withdraw the entire amount. No costs.

11. Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE T.AMARNATH GOUD

Date: 12.11.2019
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