

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.486 of 2010

JUDGMENT:

The appellant-claimant filed this appeal against the order and decree dated 20.11.2009 passed in O.P.No.1165 of 2004 by the Chairman, Motor Accidents Claims Tribunal-cum-II Additional District Judge (FTC), Nizamabad (for short, the Tribunal).

2. The brief facts of the case are that on 19.09.2002 at about 8.30 PM, while the petitioner-claimant was traveling in an auto bearing No.AP-25-U-2613 from Nizamabad towards Sarangapur, a bus bearing No.AP-9-Z-4317 driven by its driver in a rash and negligent manner at high speed, lost control over the bus and dashed against the auto from its behind and also two pedestrians, due to which, the petitioner sustained multiple fracture injuries to his right hand, both bones of left leg, skull and other multiple grievous injuries all over the body. Immediately, the petitioner was shifted to Tirumala Hospital, Nizamabad, where he underwent operations and thereafter, he was shifted to a private hospital for better treatment. He spent more than Rs.1,00,000/- towards medical expenses. Hence, he filed the aforesaid O.P., claiming compensation of Rs.3,00,000/- for the injuries sustained by him in the accident.

3. The respondents-APSRTC filed counter denying the allegations made in the claim petition *inter alia* contending that the amount of compensation claimed by the petitioner is highly excessive and exorbitant and sought to dismiss the petition.

4. During the course of trial, the petitioner examined P.Ws.1 and 2 and got marked Exs.A1 to A3. On behalf of the respondents, no oral or document evidence was adduced.

5. After considering the material on record and the evidence adduced by the parties, the Tribunal allowed the O.P. in part awarding compensation of Rs.50,000/- with interest at 7.5% p.a. from the date of petition till the date of realization payable by respondents 1 and 2 jointly and severally. Aggrieved by the quantum of compensation awarded by the Tribunal, the petitioner preferred the present appeal.

6. Heard Sri S.Surender Reddy, learned counsel for the appellant and Sri N. Vasudeva Reddy, learned Standing Counsel for the respondents.

7. The Tribunal has passed a well considered order and needs no interference by this Court as the claimant has not filed any proof in support of his income. The Tribunal, after considering the wound certificate-Ex.A3 coupled with the evidence of P.W.2-doctor, awarded compensation of Rs.20,000/- each for the two fracture injuries sustained by the petitioner; Rs.2,500/- towards medical expenses; Rs.2,500/-towards transport charges; Rs.2,500/- towards extra nourishment and Rs.2,500/- towards attendant charges; in total, a sum of Rs.50,000/- was awarded towards compensation. Though the claim of the petitioner was at Rs.3,00,000/-, he has not filed any document with regard to his income and the medical

expenses incurred by him. Undisputedly, the accident took place and the petitioner sustained two fracture injuries resulting in pain and suffering. This Court feels that awarding a sum of Rs.10,000/- towards pain and suffering and Rs.5,000/- towards extra nourishment enhancing the compensation of Rs.2,500/-, as awarded by the Tribunal, to the petitioner, would meet the ends of justice. Except the above modification, the award passed by the Tribunal remains unchanged. The enhanced amount shall be paid along with interest @ 7.5% p.a., from the date of filing of this appeal to its realization.

8. Accordingly, the appeal is partly allowed to the extent indicated above. Miscellaneous petitions, if any pending in this appeal, shall stand closed. No order as to costs.

12th June, 2019

sj

T.AMARNATH GOUD, J