

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 671 OF 2006

JUDGMENT:

This appeal is directed against the judgment, dated 10.11.2005, passed by the Motor Accidents Claims Tribunal (IV Additional District Judge) (FTC) at Nizamabad (for short 'the Tribunal), in O.P.No.936 of 2001 whereby the Tribunal awarded compensation of Rs.28,500/-, against the claim of Rs.1,50,000/-, on account of the injuries sustained by the petitioner in a motor vehicle accident that occurred on 30.03.2001.

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

3. The brief facts of the case are hereunder:

On 30.03.2001 at 10.00 p.m., while the petitioner was travelling along with others in Auto bearing No.AP 11 U 2583 from Kanteshwar to Mubaraknagar and when they reached Ekashilanagar, Mubaraknagar, due to rash and negligent driving of the driver of the said auto, it was turned turtle, as a result of which, the petitioner sustained fracture to the left hand and grievous injuries to head and finger and multiple injuries all over the body.

4. Before the Tribunal, respondent No.1 filed counter stating that the crime vehicle was duly insured with respondent No.2-Insurance Company, therefore, the petitioner is entitled to claim compensation

against respondent No.2. Respondent No.2 filed its counter denying the averments of the claim petition and contended that the petitioner has to prove that he sustained disability and grievous injuries in the said accident.

5. 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 of the driver of the auto and awarded total compensation of Rs.28,500/- under the following heads with interest at the rate of 7.5% per annum:

Towards grievous injury	Rs.	5,000/-
Towards simple injury	Rs.	1,000/-
Towards medical expenses	Rs.	5,000/-
Towards pain and suffering	Rs.	10,000/-
Towards loss of estate	Rs.	7,500/-
TOTAL :		Rs. 28,500/-

6. Dissatisfied with the quantum of compensation, the petitioner filed the present appeal, seeking enhancement of the same.

7. Heard.

8. A perusal of the record shows that the Tribunal awarded a sum of Rs.5,000/- towards grievous injury, Rs.1,000/- towards simple injury and Rs.7,500/- towards loss of estate, which are on meager side and needs enhancement. Therefore, this Court feels it just and

necessary to award a sum of Rs.10,000/- towards grievous injury, Rs.5,000/- towards simple injury and Rs.15,000/- towards loss of estate. Except the said enhancement, the judgment of the Tribunal remains unchanged.

10. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed, enhancing the compensation amount awarded by the Tribunal from Rs.28,500/- to Rs.45,000/-. The enhanced amount shall carry interest @ 7.5% per annum from the date of claim petition till realization.

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

T.AMARNATH GOUD, J

17th September 2019

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