

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.630 OF 2008

JUDGMENT:

This appeal is filed by the appellant - claimant aggrieved by the award and decree dated 14.11.2007 passed in O.P.No.2625 of 2005 by the V Additional Metropolitan Sessions Judge, (Mahila Court) – cum – XIX Additional Chief Judge, City Criminal Court, Hyderabad (for short, the Court below) whereby the Court below awarded compensation of Rs.20,000/- on account of the injuries sustained by him as against the claim of Rs.1,00,000/-.

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

3. The brief facts of the case are that on 20.07.2005 at about 10.00 A.M., petitioner, who is working as a Police Constable earning Rs.9,000/- per month, went to Andhra Bank on official work and while returning via New Bridge on his Blue Colt, a lorry bearing No.AP16-TU-6554 came in a rash and negligent manner and dashed against his vehicle, as a result, he fell down and sustained fracture injury to his left leg besides other injuries. He was shifted to A.P. Vidya Vidana Parishath and was admitted as an inpatient for three days and surgery was done to his left leg and was discharged on 23.07.2005. He was advised not to bear weight on his leg. He spent more than Rs.12,000/- for his treatment. Due to the sustenance of injuries, he could not attend his duties for one month. The petitioner filed the aforesaid O.P. claiming compensation of Rs.1,00,000/- against respondent Nos.1 and 2, the owner and the insurer of the aforesaid lorry, for the injuries sustained by him in the accident.

4. Before the Court below, respondent No.1 remained *ex parte*. Respondent No.2 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.

5. After considering the oral and documentary evidence on record, the Court below came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the Lorry and awarded a total compensation of Rs.20,000/-, with interest @ 7% per annum. Dissatisfied with the quantum of compensation, the petitioner filed the present appeal seeking enhancement of the same.

6. Heard learned counsel for the appellant and learned Standing Counsel for the Insurance Company.

7. Admittedly, this Court is of the considered view that the petitioner - claimant was under bed rest for two months and he could not attend to duty. Since the petitioner is a Police Constable and produced Ex.A5 - salary certificate showing his gross salary as Rs.9,266/- per month, two months salary is granted. The petitioner is also granted Rs.500/- towards transportation, Rs.5,000/- towards extra nourishment and Rs.1,000/- towards medical expenses. The Court below awarded Rs.10,000/- towards pain and suffering, which is enhanced to Rs.15,000/-. Since the fracture is simple in nature, the petitioner is granted Rs.10,000/-. Hence, the total compensation comes to Rs.50,032/- (Rs.9,266/- + Rs.9,266/- + Rs.500/- + Rs.5,000/- +Rs.1,000/- + Rs.15,000/- + Rs.10,000/-). As regards

interest on the enhanced amount, interest at 7.5% per annum shall be computed.

8. In the result, the appeal is allowed in part enhancing the compensation from Rs.20,000/- to Rs.50,032/- with interest at 7.5% per annum on the enhanced amount. There shall be no order as to costs. Miscellaneous petitions pending, if any, shall stand dismissed.

Date:24.06.2019

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T. AMARNATH GOUD, J

