

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.2420 OF 2006

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Award and Decree dated 27.07.2006 passed in M.V.O.P.No.799 of 2004 by the Motor Accidents Claims Tribunal-cum-V Additional District Judge, Warangal (for short, the Tribunal).

2. The brief facts of the case are that on 29.09.2003 at about 11.00 A.M., the appellant started from his house to go to his college at Hanamkonda on his scooter bearing No.AP36F 1081 and was proceeding towards Vemuganti Manohar Rao Polytechnic College, Hanamkonda, and when he reached Bhadrakali Petrol Pump, Warangal, Maruti Car bearing No.AHS 6708 came in a rash and negligent manner with high speed and dashed the scooter of the appellant from its back side. In the said accident, the appellant fell down on the road and sustained injuries. He filed aforesaid OP against respondent Nos.1 and 2, owner and insurer of car, claiming compensation of Rs.80,000/- for the injuries sustained by him.

3. Before the Tribunal, respondent Nos.1 and 2 filed their separate counters 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 of the driver of the car and awarded total compensation of Rs.15,000/- i.e., Rs.5,000/-

towards medical expenditure and extra nourishment, Rs.5,000/- towards pain and suffering and Rs.5,000/- towards fractures. Dissatisfied with the quantum of compensation, the appellant filed the present appeal, seeking enhancement of the same.

5. Heard.

6. A perusal of Ex.A3, medical certificate, it is clear that the appellant sustained fracture to his right hand. He was admitted in the Hospital and after discharge, he was advised to take bed rest for three months. In view of the above evidence, this Court feels that it would be appropriate to enhance the compensation under various heads as follows:

Sl.No.	Name of Head	Awarded by Tribunal	Awarded by this Court
01.	Medical expenses and extra nourishment	Rs.5,000/-	Rs.5,000/-
02.	Pain and suffering	Rs.5,000/-	Rs.5,000/-
03.	Fractures	Rs.5,000/-	Rs.20,000/-
04.	Loss of earnings for one month	--	Rs.13,400/-
TOTAL		Rs.15,000/-	Rs.43,400/-

7. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed, enhancing the compensation amount awarded by the Tribunal from Rs.15,000/- to Rs.43,400/-. 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

Date: 18.10.2019
TJMR