

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 800 OF 2006

JUDGMENT:

This appeal is directed by the injured claimant against the order and decree dated 12.09.2005 passed in M.V.O.P.No.2017 of 2001 by the Motor Accidents Claims Tribunal-cum-VII Additional District Judge (FTC), Nizamabad at Bodhan (for short 'the Tribunal), whereby the tribunal granted compensation of Rs.27,000/- with interest @ 9% per annum in a motor vehicle accident that occurred on 12.08.2001 at about 06.00 a.m while the claimant and one Abdul Gaffar and others were traveling in an auto bearing No.AP 9 T 1297 from Nehrunagar to Nizamabad and when it reached near NCSF Sarangapoor Factory, Nizamabad District, lorry bearing No. ATJ 1831 belonging to the 1st respondent came from their behind in a rash and negligent manner and dashed against the auto, for which the claimant and other passengers sustained multiple injuries and fractures, immediately the claimant was shifted to Government Hospital, Nizamabad, from there she was shifted to private hospital, for further treatment, as against the claim of Rs.3,00,000/-.

2. Before the tribunal, respondent No.1 remained exparte. Respondent No.2 filed written statement denying the claim petition.

3. In order to prove the case of the claimant, PWs.1 and 2 were examined and marked Exs.A1 to A.8. No oral or documentary evidence is adduced on behalf of the respondents.

4. It is a case of injuries. Admittedly there are three grievous injuries, and one simple injury and the claimant was hospitalized for more than 20 days. Thus, this Court feels that the amount awarded by the tribunal was Rs.20,000/- for two grievous injuries, Rs.4,000/- for two simple injuries and a sum of Rs.3,000/- towards pain and suffering is meager and the same needs enhancement. Therefore, Rs.30,000/- for three grievous injuries (Rs.10,000/- for each injury), Rs.4,000/- for simple injury, Rs.10,000/- towards pain and suffering, Rs.17,000/- towards medical bills as per Ex.A.7, Rs.3,000/- towards extra nourishment and Rs.1,000/- towards transportation is granted as just and proper. The enhanced compensation amount Rs.38,000/- shall carry interest @ 7.5% per annum from the date of petition till the date of realization. In all other aspects, the order passed by the tribunal is well considered.

5. In view of the above, the appeal is allowed in part. There shall be no order as to costs.

Miscellaneous petitions if any, shall stand closed.

T.AMARNATH GOUD,J

Date: 25-10-2019
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