

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 2019 OF 2006

JUDGMENT:

This appeal is directed by the claimant against the judgment and decree dated 29.05.2006 passed in O.P.No.253 of 2004 by the III Additional District and Sessions Judge, at L.B.Nagar, Ranga Reddy District (for short 'the Tribunal) awarding compensation of Rs.95,612/- with proportionate costs and interest at 7.5% per annum from the date of petition till the date of realization, as against the claim of Rs.2,00,000/- on account of the accident occurred on 15.07.2004 at about 13.30 hours, while he was proceeding on his TVS motorcycle from BHEL to Suryapet , when he reached near Shivapriya Petrol Bunk on N.H.9, Pedda Amberpet Village, Hayathnagar Mandal, one RTC bus bearing No. AP 28 U 6867 came at high speed in rash and negligent manner, dashed against his vehicle, for which the claimant sustained grievous fracture injuries to his right shaft femur and right leg below knee, he was taken to Kamineni Hospital, L.B.Nagar, subsequently shifted to NIMS, Hyderabad and underwent surgery.

2. Before the tribunal, in order to prove the case of the claimant, PWs.1 and 2 were examined and marked Exs.A1 to

A.7 and Ex.B1-policy copy was marked. No oral evidence was adduced on behalf of the respondents.

3. Learned counsel for the claimant contended that the compensation granted by the tribunal is very meager as the claimant sustained fracture to shaft of right femur and abrasion over right thigh and right leg and a major operation was conducted by PW.2 by way of interlocking nailing and one more operation is required for removal of implants and that the claimant is not in a position to attend his regular work and hence, prayed to grant just and proper compensation.

4. Learned standing counsel for insurance company submitted that the order passed by the tribunal is well considered and needs no interference of this Court and prayed to dismiss the appeal.

5. There was no dispute with regard to the manner of accident and involvement of the crime vehicle. A perusal of the material available on record and having regard to the facts and circumstances of the case, the award passed by the tribunal is well considered in all aspects except Rs.20,000/- towards future surgery as per evidence of PW.1-doctor, Rs.3,000/- towards extra-nourishment, Rs.5,680/- towards another one month rest, Rs.1,500/- towards transportation,

Rs.1500/- towards attendant charges @ RS.100/- per day for 15 days is granted as the tribunal has not awarded any amount for the above heads. Thus, the claimant is entitled for Rs.31,680/- in addition to the compensation of Rs.95,612/- granted by the tribunal i.e. Rs.31,680/- + Rs.95,612/- = Rs.1,27,292/-, rounded to Rs.1,27,300/-. The enhanced compensation shall carry interest @ 7.5% per annum from the date of petition till the date of realization.

6. In view of the above, the appeal filed by claimant is partly allowed. There shall be no order as to costs.

Miscellaneous petitions if any, shall stand closed.

Date: 20-11-2019
kvrn

T.AMARNATH GOUD,J