

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.2143 OF 2006

JUDGMENT:

This appeal is preferred by the appellant/petitioner/claimant questioning the order of the Motor Accident Claims Tribunal (IV Additional District Judge) (FTC), Nizamabad (for short, the Tribunal) in O.P.No.729 of 2003 dated 27.07.2006.

2. For the sake of convenience, the parties are hereinafter referred to as they were arrayed before the Tribunal in the original petition.

3. The brief facts of the case are that on 23.01.2003 at about 6.00 p.m., the petitioner was travelling in an auto bearing No.AP 25U 2144 from Padkal to Dichpalli, when they reached near Sikindrapur (V) Shivar, suddenly the said auto driven by its driver in a rash and negligent manner in high speed gave dash to one Posani (minor) due to which the auto turned turtle and fell down beside the road, due to which the petitioner sustained fracture of left shaft femur, fracture to right hip joint neck of the femur, fracture to left side chest ribs of 7th, 8th, 9th, laceration to right knee, laceration to right ankle, head injury, multiple and grievous injuries on various parts of the body. Immediately, the petitioner was shifted to Government Hospital, Nizamabad, and treated by Dr.L.Ramulu. The petitioner spent Rs.80,000/- towards medical expenses. Hence, the petitioner filed the claim petition claiming compensation of Rs.3,00,000/-, payable by

both the respondents, being the owner and insurer of the offending vehicle.

4. In the claim petition, the 1st respondent remained *ex parte*. The 2nd respondent filed its written statement denying the allegations and contended that the amount claimed by the claimant is highly excessive and that they are not liable to pay any compensation and therefore prayed to dismiss the claim petition.

5. After considering the oral evidence of P.Ws.1 & 2 and documentary evidence of Exs.A-1 to A-10 & Ex.B-1, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the crime vehicle and awarded total compensation of Rs.65,000/-, i.e., Rs.5,000/- towards one grievous injury, Rs.20,000/- towards pain & suffering, Rs.25,000/- towards medical expenses, Rs.7,500/- towards loss of estate and Rs.7,500/- towards transportation and extra nourishment, with interest @ 7.5% per annum from the date of petition till the date of deposit, payable by both the respondents jointly and severally. Dissatisfied with the quantum of compensation, the appellant/petitioner/claimant filed the present appeal, seeking enhancement of the same.

6. Heard Sri Azar Sravan Kumar, learned counsel for the appellant and Sri V.Sambasiva Rao, learned standing counsel for the 2nd respondent/insurance company. Perused the material record.

7. A perusal of the order reveals that the Tribunal passed a well considered order by taking into consideration all the aspects and as against the claim of Rs.3,00,000/-, the Tribunal awarded an amount of Rs.65,000/- with proportionate costs and interest @ 7.5% per annum. Therefore, I see no reason to interfere with the order of the Tribunal and the appeal is liable to be dismissed.

8. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed confirming the award and decree passed by the Tribunal in all respects, including the rate of interest. No order as to costs.

Miscellaneous petitions pending, if any, shall stand dismissed.

T.AMARNATH GOUD, J

Date: 21st November, 2019

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