

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 1300 OF 2006

JUDGMENT:

This appeal is directed by the claimant against the award dated 09.03.2006 by the Motor Accidents Claims Tribunal (V Additional District Judge) at Nizamabad (for short 'the Tribunal'), in O.P.No.136 of 2002, whereby the Tribunal granted compensation of Rs.12,000/-.

2. The facts of the case are that on 22.10.2001 at about 07-30 p.m, while the claimant was traveling in the crime jeep along with others, Yousuf-the driver of the jeep in a rash and negligent manner dashed the jeep to a tree, causing grievous injuries to the claimant i.e., fracture of both bones on her left leg and fracture of left clavicle and other injuries. Immediately, the claimant and others were shifted to Government hospital, Nizamabad and thereafter, the claimant was admitted in a private hospital where she incurred Rs.40,000/- towards medical expenses and Rs.10,000/- towards extra nourishment. Because of the accident, the claimant became unfit for work and lost her future income and sustained permanent disability and sought for a compensation of Rs.2,00,000/-.

3. The Tribunal after considering the evidence and material available on record has awarded Rs.12,000/- as compensation with interest @ 7.5% per annum from the date of petition till the date of realization as against the claim of Rs.2,00,000/-. Aggrieved thereby, the appellant/claimant filed the present appeal seeking enhancement.

4. For the sake of convenience, the parties herein are referred to as arrayed in the tribunal.

5. Respondent Nos.1 and 2 filed counters separately denying the claim of the claimant.

6. In order to prove the case of the claimant, PW.1 and PW.2 were examined and Exs.A.1 to A.6 were marked. No oral evidence is adduced on behalf of the respondents but marked Ex.B.1- copy of insurance policy.

7. Admittedly, the accident was not disputed and the Tribunal for grievous injuries received by the claimant i.e., fracture of both bones on her left leg and fracture of left clavicle has awarded Rs.12,000/- and this Court feels that the same is very meager and needs to be enhanced and accordingly, the same is enhanced to Rs.30,000/- @ Rs.15,000/- per fracture. The enhanced compensation shall carry interest @ 7.5% per annum from the date of petition till the date of realization. Respondents are directed to deposit the compensation amount within three months.

8. In view of the above, the appeal is allowed to the extent indicated above and the findings of the rest of the order remains unchanged. There shall be no order as to costs.

Miscellaneous petitions if any, shall stand closed.

T.AMARNATH GOUD,J

Date: 19-11-2019
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