

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.2651 OF 2006

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Order and Decree dated 19.08.2005 passed in O.P.No.2617 of 2001 by the Motor Vehicles Accidents Claims Tribunal-cum-V Additional Chief Judge, City Civil Court, Hyderabad (for short, the Tribunal).

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 30.07.2001 at about 6.45 p.m. while the petitioner was going on scooter towards Ashoknagar from his residence, Akbarbagh, Saidabad, an Ambassador car bearing No.AP 12A 6823, driven by its driver in a rash and negligent manner dashed against the scooter of the petitioner near D-Quarters turning at Saidabad, Hyderabad, and that due to the said accident, he received injuries. Due to the said accident, the petitioner spent huge amount for his treatment and medicines. Hence, the petitioner filed the claim petition claiming compensation of Rs.2,20,000/-, payable by both the respondents, being the owner and insurer of the offending car.

3. Before the Tribunal, respondent Nos.1 & 2 filed 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 evidence of P.Ws.1 & 2 and the documentary evidence of Exs.A-1 to A-7 & Ex.B-1, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the offending car and awarded total compensation of Rs.50,012/- i.e., Rs.10,000/- towards pain & suffering, Rs.32,012/- towards medical nursing, Rs.5,000/- towards extra nourishment and Rs.3,000/- towards loss of earnings, with interest @ 8% per annum from the date of petition till the date of realization, payable by both the respondents. Dissatisfied with the quantum of compensation, the appellant filed the present appeal, seeking enhancement of the same.

5. Heard.

6. Admittedly, the claimant was hospitalized in Yashoda Super Specialty Hospital, Secunderabad, for three days and surgery was also performed. He sustained fracture to his left leg and knee and in view of the above, since the amount of Rs.10,000/- granted towards pain & suffering by the Tribunal is very meager, this Court feels that it would be just and appropriate to enhance the same by Rs.25,000/-. Insofar as the amount of Rs.3,000/- granted by the Tribunal towards loss of earnings is concerned, since the claimant is working as Advocate Clerk, this Court feels that it would be just and

appropriate if the same is enhanced to Rs.10,000/-. Since the scooter of the petitioner was damaged and though the petitioner filed the automobile spare parts bill issued by Pritham Automobiles for amount of Rs.3,690/-, the same was not considered by the Tribunal. Therefore, this Court feels that it would be just and appropriate if the same is considered. Hence, the total compensation under various heads is as follows:

Sl.No.	Name of Head	Awarded by Tribunal	Awarded by this Court
01.	Pain & suffering	Rs.10,000/-	Rs.25,000/-
02.	Medical nursing	Rs.32,012/-	Rs.32,012/-
03.	Extra Nourishment	Rs.5,000/-	Rs.5,000/-
04.	Loss of earnings	Rs.3,000/-	Rs.10,000/-
05.	Automobile spare parts	---	Rs.3,690/-
	TOTAL	Rs.50,012/-	Rs.75,702/-

7. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed by enhancing the compensation amount awarded by the Tribunal from Rs.50,012/- to Rs.75,702/- payable by both the respondents jointly and severally. The enhanced amount shall carry interest @ 7.5% per annum from the date of petition till realization. The respondents are directed to deposit the enhanced amount along with proportionate costs and interest within two (02) months from the date of receipt of a copy of this order. On such deposit, the appellant is permitted to withdraw the entire amount. No costs.

Miscellaneous petitions pending, if any, shall stand closed.

T.AMARNATH GOUD, J

Date: 8th November, 2019

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