

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 786 OF 2005

JUDGMENT:

This appeal is directed by the injured claimant against the order and decree dated 28.08.1999 passed in O.P.No.756 of 1996 by the II Additional Chief Judge, City Civil Court, Hyderabad (for short 'the Tribunal), whereby the tribunal granted compensation of Rs.70,000/- with interest @ 12% per annum in a motor vehicle accident that occurred on 12.05.1996 at about 11.00 a.m. while the petitioner as a pillion rider and one Vinod Kumar as the rider of the scooter bearing No.AP 9 8270 were going, when they reached near Hanuman temple of Saidabad, the driver of the auto bearing No. AP 11 6664 driven it in a rash and negligent manner, dashed against them, for which they fell down and sustained fractures, then they shifted to Osmania General Hospital, Hyderabad, as against the claim of Rs.1,00,000/-.

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 to 3 were examined and marked Exs.A1 to A.10. No oral or documentary evidence was adduced on behalf of the respondents.

4. Learned counsel for the claimant contended that the tribunal failed to appreciate the evidence on record and Ex.A.9-disability

certificate and that the compensation granted by the tribunal is very meager and hence, prayed to enhance the compensation.

5. Learned standing counsel for the insurance company contended that the order passed by the tribunal is well considered and needs no interference of this Court.

4. It is a case of injuries. On perusal of the material available on record and having regard to the facts and circumstances of the case, the order passed by the tribunal is well considered. However, the discomfort and deformity caused due to injuries, the claimant is entitled for Rs.10,000/- each besides the compensation granted by the tribunal, which is just and proper. Thus, the claimant is entitled for total compensation of Rs.89,360/- (Rs.50,000/- (disability) + Rs.12,000/-(pain and suffering) + Rs.4,000/-(past loss) + Rs.3,360/-(loss of income) + Rs.20,000/-), which rounded to Rs.90,000/-. The enhanced compensation shall carry interest @ 7.5% per annum from the date of petition till the date of realization.

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: 01-11-2019
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