

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.1345 OF 2009

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Order and Decree dated 27.12.2005 passed in M.V.O.P.No.191 of 2005 by the Motor Accidents Claims Tribunal-cum-IV Additional District and Sessions Judge (Fast Track Court), Sddipet (for short, the Tribunal).

2. The brief facts of the case are that on 27.09.2004, while the claimant and two other passengers were returning from Yetigadda Kistapur Village in an Auto bearing No.AP-23-U-3084 and when the Auto reached Rajesh Poultry Farm, the driver of the said Auto dashed against a Cycle and Hero Honda Splendor, which was coming from the opposite direction, as a result of which, the said Auto turned turtle on the road and the claimant and other two passengers received bleeding injuries. In the said accident, the claimant sustained fracture injury on her left shoulder, left elbow and received injuries all over the body. Therefore, the claimant has filed the above M.V.O.P. claiming compensation of Rs.1,00,000/-.

3. Before the Tribunal, the 2nd respondent filed counter denying averments in the claim petition and contended that the amount claimed is excessive and prayed to dismiss the claim petition.

4. After considering the oral and documentary evidence on record, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving by the driver of the Auto and awarded a compensation of Rs.15,080/- with interest @ 7.5 % per annum from the date of petition till the date of realization. Dissatisfied with the quantum of compensation awarded, the appellant has filed the present appeal, seeking enhancement of compensation.

5. Heard the learned counsel for the respective parties and perused the material on record.

6. Before the Tribunal, the appellant got examined herself as P.W.1 and got examined PW.2 (Orthopedic Surgeon) and got marked Exs.A.1 to A.13 on behalf of appellant. On behalf of 2nd respondent, none were examined except marking Ex.B-1-copy of policy. After considering the oral and documentary evidence, the Tribunal awarded a compensation of Rs.15,080/-. Hence, this Court feels that the said compensation awarded by the Tribunal is very meager and the same requires enhancement. After perusing the record, this Court is of the considered view that it would be just and reasonable to grant a sum of Rs.16,965/- towards medical bills, a sum of Rs.6,000/- towards one month salary and a sum of Rs.5,000/- towards shoulder fracture as per the evidence of PW.2. This Court is not inclined to interfere with the other amounts awarded by the Tribunal and the same remains unaltered. Thus, the claimant is

entitled for a total compensation of Rs.39,545/- (Rs.16,965/- + Rs.6,000/- + Rs.5,000/- + Rs.10,000/- + Rs.1,000/- + Rs.580/- = Rs.39,545/-)

7. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed enhancing the compensation amount awarded by the Tribunal from Rs.15,080/- to Rs.39,545/- (Rupees thirty nine thousand five hundred and forty five only). The enhanced amount shall carry interest @ 7.5% per annum. Miscellaneous petitions pending, if any, shall stand closed. No costs.

Date: 18.06.2019
Prv

TAMARNATH GOUD, J

