

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.980 OF 2006

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Order and Decree dated 25.01.2006 passed in O.P.No.588 of 2001 by the Motor Accident Claims Tribunal-cum-I Additional District Judge, Adilabad (for short, the Tribunal).

2. The brief facts of the case are that on 22.02.2001 at about 5.30 pm., while the appellant and his friends were proceeding from Bhaadi Village to Pardi Village in a jeep bearing No.MH29B 1763, and when the jeep reached near Madiguda Village, the driver of the jeep drove it in a rash and negligent manner and dashed to the canal/bridge, due to which, the appellant fell down from the jeep and sustained injuries all over his body, including fractures to right clavicle, right scapula and right pelvis. He filed aforesaid OP against respondent Nos.1 and 2, owner and insurer of aforesaid jeep, claiming compensation of Rs.2,00,000/- for the injuries sustained by him.

3. Before the Tribunal, respondent No.1 remained *ex parte*. Respondent No.2 filed its counter 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 and documentary evidence on record, the Tribunal came to the conclusion that the accident

occurred due to the rash and negligent driving of the driver of the jeep and awarded total compensation of Rs.23,860/- with interest @ 7% per annum, i.e., Rs.20,000/- towards pain and suffering, Rs.1,860/- towards medical expenses and Rs.2,000/- towards transport charges. Dissatisfied with the quantum of compensation, the appellant filed the present appeal, seeking enhancement of the same.

5. Heard.

6. A perusal of the record, it is clear that in the accident, the appellant sustained five grievous injuries and he was initially admitted in District Headquarters Hospital, Adilabad on 22.02.2001 and thereafter he was treated in Nagpur Medical College Hospital from 23.02.2001 to 16.03.2001 and undergone surgical operation to his left shoulder. As the appellant sustained fracture injury and undergone surgical operation, this Court feels that granting of Rs.20,000/- by the Tribunal towards pain and suffering is meager and the same is enhanced to Rs.30,000/-. Apart from the same, the appellant is entitled to Rs.6,000/- towards attendant charges and Rs.5,000/- towards extra-nourishment. Except the said enhancement, the order of the Tribunal shall remain unchanged.

7. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed, enhancing the compensation amount awarded by the Tribunal from Rs.23,860/- to Rs.44,860/-. The enhanced

amount shall carry interest @ 7.5% per annum from the date of claim petition till realization. Miscellaneous petitions pending, if any, shall stand closed. No costs.

T.AMARNATH GOUD, J

Date: 30.08.2019
TJMR

