

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.898 OF 2006

JUDGMENT:

This appeal is preferred by the appellant/petitioner/claimant questioning the order of the Chairman, Motor Accidents Claims Tribunal (V Additional District Judge), at Nizamabad (for short, the Tribunal) in O.P.No.1497 of 2001 dated 11.11.2005.

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 the petitioner is the resident of Railway Nizamabad Town and he was aged about 30 years and he was earning Rs.8,000/- per month from vegetable business prior to the accident. On 14.05.2001, the petitioner and other passengers were going in the crime auto bearing No.AP-25-T-9530 to go to Dasnagar. On the way at CSI School at about 8.00 a.m., the driver of the said auto has drove it with high speed in a rash and negligent manner, as such the auto turned turtle. He and other occupants sustained injuries. He received fracture injury on the left leg, injuries on head, legs, hands, back and other parts of the body. Immediately, he was shifted to Government Head Quarters Hospital, Nizamabad, for treatment. From there, he was shifted to private hospital for further treatment. He incurred an amount of Rs.40,000/- towards medical expenses. Due to the injuries, he sustained

permanent disability and lost his amenities and pleasure of life, as such he lost his future income. Hence, the petitioner filed the claim petition claiming compensation of Rs.1,00,000/-, payable by both the respondents, being the owner and insurer of the crime auto.

4. In the claim petition, the 1st respondent remained *ex parte*. The 2nd respondent filed a written statement denying the allegations and contended that the amount claimed by the claimant is highly excessive and that they are not liable to pay any compensation and therefore prayed to dismiss the claim petition.

5. After considering the oral evidence of P.W.1 and documentary evidence of Exs.A-1 to A-11, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the crime vehicle and awarded total compensation of Rs.6,000/- towards pain and suffering for three simple injuries, with interest @ 7.5% 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/claimant filed the present appeal, seeking enhancement of the same.

6. Heard Sri Azar Sravan Kumar, learned counsel for the petitioner and Sri N.J.Sunil Kumar, learned standing counsel for the 2nd respondent/insurance company.

7. A perusal of the order reveals that the Tribunal passed a well considered order by taking into consideration all the aspects and as against the claim of Rs.1,00,000/-, the Tribunal awarded an amount of Rs.6,000/- with proportionate costs and interest @ 7.5% per annum from the date of petition till the date of realization. Therefore, I see no reason to interfere with the order of the Tribunal and the appeal is liable to be dismissed.

8. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed confirming the award and decree passed by the Tribunal in all respects, including the rate of interest. No order as to costs.

Miscellaneous petitions pending, if any, shall stand dismissed.

T.AMARNATH GOUD, J

Date: 11th November, 2019

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