

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 1258 OF 2006

JUDGMENT:

This appeal is directed by the injured claimant against the judgment and decree dated 17.04.2006 passed in O.P.No.931 of 2002 by the Motor Accidents Claims Tribunal-cum-IV Additional District Judge, FTC, Nizamabad (for short 'the Tribunal), on account of motor vehicle accident that occurred on 02.07.2002.

2. Before the tribunal, in order to prove the case of the claimant, PWs.1 and 2 were examined and marked Exs.A1 to A.9. Ex.B.1-policy was marked on behalf of respondents. No oral evidence was adduced on behalf of the respondents.

3. Learned counsel for the claimant contended that the compensation granted by the tribunal is very meager and hence, prayed to grant just and proper compensation.

4. 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.

5. It is a case of injuries. As against the claim of Rs.2,00,000/-, the tribunal granted Rs.54,000/- with proportionate costs and interest @ 7.5% per annum from the date of petition till the date of realization. On perusal of the material available on record, as per Ex.A.3-c.c. of wound certificate, the injuries are (1) fracture of left hip of neck femur, (2) fracture to left side ribs 9th and 10th, (3)

abrasion to left knee measuring 4 x 4 cms, the amount granted by the tribunal is very meager, this Court feels that it needs enhancement. Thus, the claimant is entitled for Rs.15,000/- towards non surgical injury and Rs.25,000/- towards surgical injury of hip joint, where steel rod has been inserted by way of operation. Since the implant has to be removed, second surgery is required and hence, Rs.10,000/- is granted, which is reasonable, Rs.5,000/- towards extra-nourishment and Rs.3,500/- towards transportation. The other heads i.e. Rs.1,000/- towards simple injury, Rs.11,500/- towards medical expenses, Rs.20,000/- towards pain and suffering and Rs.9,000/- towards loss of estate granted by the tribunal are unchanged. Therefore, the claimant is entitled for total compensation of Rs.1,00,000/-. The enhanced compensation of Rs.46,000/- shall carry interest @ 7.5% per annum from the date of petition till the date of realization. Respondents are jointly and severally liable to pay the compensation within three months from the date of the judgment. The claimant is at liberty to withdraw the deposited amount soon after the deposit is made.

6. In view of the above, the appeal is allowed in part enhancing the compensation from Rs.54,000/- to Rs.1,00,000/-. There shall be no order as to costs.

Miscellaneous petitions if any, shall stand closed.

T.AMARNATH GOUD,J

Date: 06-11-2019
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