

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 955 OF 2006

JUDGMENT:

This appeal is directed by the injured claimant against the order and decree dated 23.01.2006 passed in O.P.No.631 of 2001 by the Motor Accidents Claims Tribunal-cum-I Additional District Judge, Adilabad (for short 'the Tribunal'), whereby the tribunal granted compensation of Rs.35,165/- with interest @ 7% per annum in a motor vehicle accident that occurred on 04.12.2000 at about 04.30 p.m after leaving the school the claimant was proceeding to Pipri Village in an auto bearing No. AP 1 T 4136 to go home, when the auto reached near Diamond Ginning Factory, Echoda, the driver-cum-owner of the auto drove it in a rash and negligent manner at high speed and suddenly turned left side while giving side to the bullock cart, which was coming in opposite direction, for which the claimant fell down from the said auto and back tyre of the auto ran over the left dorsum hand, for which nerves, veins, tendons and ortenies were completely destroyed, immediately shifted to Dr Shankar Rao Hospital, Echoda, who gave treatment referred the claimant to Adilabad, where she was treated and thereafter to Dr Ajit V.Phadke Orthopedic Hospital, Yeethmal and from there referred to NIMS, Hyderabad and she was admitted as inpatient on 05.12.2000 and took treatment for 20 days, skin graft was done and applied on the wound by tendons, veins and nerves and 23.12.2000, as against the claim of Rs.2,50,000/-.

2. Before the tribunal, respondent No.1 remained exparte. Respondent No.2 filed counter denying the claim petition.

3. In order to prove the case of the claimant, PWs.1 and 2 were examined and marked Exs.A1 to A.8 and Ex.C.1 and C.2. No oral or documentary evidence was adduced on behalf of the respondents.

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 injured suffered injury on hand, skin graft was done and hence, granting Rs.5,000/- under the head of deformity and disfigurement would be just and proper in addition to Rs,35,165/- granted by the tribunal. Thus, the claimant is entitled for Rs.40,000/-(rounded to) with interest @ 7% 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: 25-10-2019
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