

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 2050 of 2006

JUDGMENT:

This appeal is filed by claimant aggrieved by the order and decree dated 30.06.2006 in O.P.No.304 of 2003 passed by the Motor Vehicle Accidents Claims Tribunal-cum-III Additional District Judge, Asifabad (for short 'the tribunal).

For the sake of convenience, the parties herein are referred to as arrayed in the tribunal.

The case of the claimant is that on 10.11.2002, while she along with others traveling in an auto bearing No.AP 1U 5241 to go to Luxettipet from Gollapally Village, when the auto reached Gullokola Vagu, the driver of the auto drove it in rash and negligent manner and dashed against the Khani stone, for which it turned turtle, the claimant suffered fracture of left hip and other injuries on the other parts of the body.

After examining PWs.1 and 2 and marking Exs.A.1 to A.6 on behalf of the claimant and as there was no oral and documentary evidence on behalf of the respondents and perusing the material available on record, granted Rs.2,000/- towards loss of earnings, Rs.500/- towards transportation, Rs.3,000/- towards medical expenses and Rs.3,500/- towards pain and sufferings. Thus, a total sum of Rs.9,000/- was granted with interest @ 7.5% per annum and that the respondents are jointly and severally liable to pay the compensation, as against the claim of Rs.1,00,000/-.

There is no dispute with regard to the accident and involvement of the vehicle. It is the case of injuries. As per Ex.A.2 wound certificate the claimant sustained fracture of head of femur of the left thigh and abrasion over the left hip and another simple injury. The amount granted by the tribunal is very meager, hence, it necessitates this Court to grant just and proper compensation. Accordingly, Rs.15,000/- towards grievous injury and Rs.2,000/- towards simple injury and Rs.5,000/- towards pain and suffering, The amounts granted for loss of earnings i.e. Rs.2,000/-, Rs.500/- towards transport and Rs.3,000/- towards medical expenses are unaltered. Thus, the claimant is entitled for Rs.27,500/- with interest @ 7.5% per annum from the date of petition till the date of realization. The respondents are jointly and severally liable to pay the compensation and they are directed to deposit the compensation amount within three months from the date of judgment.

In view of the above, the appeal is partly allowed. There shall be no order as to costs.

Miscellaneous petitions if any, shall stand closed.

T.AMARNATH GOUD,J

Date: 09.12.2019
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