

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.850 OF 2006

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Order and Decree dated 05.05.2005 passed in M.V.O.P.No.441 of 1999 by the Motor Accident Claims Tribunal (VII Additional District Judge) (FTC), Nizamabad at Bodhan (for short, the Tribunal).

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 on 07.08.1998 at about 10.30 a.m., the petitioner was traveling in a jeep as a passenger belonging to the 1st respondent from Nizamabad to Tadbiloli and when it reached near Auto Nagar Culvert, the driver of the jeep drove the same in a rash and negligent manner and dashed the culvert, due to which the petitioner and others received fracture injuries. Thus, the petitioner claims compensation of Rs.1,00,000/- for the injuries and disability sustained by him in the said accident, payable by respondents 1 & 2, owner and insurer of the offending jeep.

4. Before the Tribunal, respondents 1 & 2 filed written statements denying the averments of the claim petition and contended that the amount claimed is excessive and prayed to dismiss the claim petition.

5. After considering the oral and documentary evidence on record, the Tribunal came to the conclusion that the accident occurred on account of the rash and negligent driving of the driver of the jeep and awarded total compensation of Rs.20,000/- to the petitioner i.e., Rs.10,000/- towards one grievous injury, Rs.5,000/- towards pain & suffering, and Rs.5,000/- towards medical & other incidental expenses. Dissatisfied with the quantum of compensation, the appellant filed the present appeal, seeking enhancement of the same.

6. Heard Sri Azar Sravan Kumar, learned counsel appearing for the appellant and Smt.I.Maamu Vani, learned Standing Counsel appearing for the 2nd respondent/insurance company. Perused the material on record.

7. Sri Azar Sravan Kumar, learned counsel appearing for the appellant, submits that the amount of Rs.10,000/- awarded by the Tribunal towards one grievous injury is very meager and that the Tribunal has not awarded any amount towards attendant charges and extra nourishment and prays to enhance the compensation awarded by the Tribunal.

8. Smt. I.Maamu Vani, learned standing counsel for the 2nd respondent/insurance company, contended that it is not a fit case for enhancement of the compensation awarded by the Tribunal since the claimant has not filed any documentary evidence in support of his claim seeking enhancement of the compensation and that the amount awarded by the Tribunal is

just and proper and needs no enhancement and prayed to dismiss the appeal.

9. In the facts and circumstances of the case, this Court feels that the amount of Rs.10,000/- awarded by the Tribunal towards one grievous injury is very meager. Therefore, this Court is inclined to enhance the same to Rs.15,000/-. Since the claimant was admitted in hospital on 07.08.1998 and discharged on 10.08.1998, this Court feels that it would be just and appropriate to award an amount of Rs.1,000/- towards Attendant Charges and Rs.1,000/- towards extra nourishment. Except the said modification, the rest of the award passed by the Tribunal remains the same. Therefore, the total compensation under various heads comes as under:

Sl.No.	Name of Head	Awarded by the Tribunal	Awarded by this Court
01.	One grievous injury	Rs.10,000/-	Rs.15,000/-
02.	Pain & suffering	Rs.5,000/-	Rs.5,000/-
03.	Medical & other incidental expenses	Rs.5,000/-	Rs.5,000/-
04.	Attendant charges	-	Rs.1,000/-
05.	Extra nourishment	-	Rs.1,000/-
TOTAL		Rs.20,000/-	Rs.27,000/-

10. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed enhancing the compensation amount awarded by the Tribunal from Rs.20,000/- to Rs.27,000/- payable by both the respondents jointly and severally. The enhanced amount shall carry interest @ 7.5% per annum from the date of petition till realization. The respondents are directed to deposit the enhanced amount along with proportionate costs

and interest within two (02) months from the date of receipt of a copy of this order. On such deposit, the appellant is permitted to withdraw the entire amount. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in this appeal shall stand disposed of.

T.AMARNATH GOUD, J

Date: 20th September, 2019

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