

HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.2388 of 2006

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Order and Decree dated 23-06-2006 passed in O.P.No.339 of 2004 by the III Additional Chief Judge, City Civil Court, Hyderabad (for short, the trial Court).

2. Brief facts of the case are that the claimant filed the claim petition against the respondents claiming compensation of Rs.4.00 lakhs for the injuries sustained by him in the motor accident when he is proceeding on his scooter with milk cans at Sagar to Hyderabad High-way..

3. In the claim petition, the 2nd respondent-insurer filed its counter denying the averments of the claim petition and contended that the amount claimed is excessive and prayed to dismiss the claim petition.

4. After considering the oral and documentary evidence on record, the trial Court came to the conclusion that the accident occurred due to the rash and negligent driving on the part of the driver of the crime vehicle only and accordingly granted compensation of Rs.2,20,600/- under various heads, payable by the respondents jointly and severally with interest at 7.5% per annum through out.

5. Dissatisfied with the quantum of compensation, the appellant/claimant filed the present appeal, seeking for enhancement of the compensation.

6. Heard and perused the material available on record.

7. Learned counsel for the appellant-claimant contends that the trial Court ignored in awarding compensation for the future surgery to the fracture and therefore the same may be granted.

8. As seen from the order of the trial Court, the Tribunal has rightly granted compensation to the claimant under various heads. However, it is important to take note that the Tribunal has not considered about the removal of the nails fixation from left femur by performing future surgery and therefore, awarding an amount of Rs.20,000/- towards future surgery would be just and proper in addition to that of the compensation already granted by the Tribunal.

9. Except the above modification, the compensation awarded by the Tribunal under other heads shall remain unchanged. Therefore, the claimants are granted total compensation of Rs.2,40,600/- (Rs.2,20,600/- + Rs.20,000/-).

10. In the result, the appeal is allowed in part by enhancing the compensation awarded by the trial Court from Rs.2,20,600/- to Rs.2,40,600/- (Rupees Two Lakhs Forty Thousand and Six Hundred only). The enhanced amount of compensation shall carry interest at 7.5% per annum. The respondents are directed to deposit the

enhanced amount along with proportionate costs and interest within two months from the date of receipt of a copy of this order. On such deposit, the appellant/claimant is permitted to withdraw the entire amount. No costs.

11. Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE T.AMARNATH GOUD

Date: 06.12.2019
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