

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.1628 OF 2009

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Order and Decree dated 18.12.2006 passed in O.P.No.2243 of 2003 by the XXII Additional Chief Judge-cum-Motor Accidents Claims Tribunal, City Criminal Court at Hyderabad (for short, the Tribunal).

2. The brief facts of the case are that on 05.08.2003 at about 9.15 am., while the appellant was proceeding on Bajaj Scooter bearing No.AP13V 6114 from Firzaaguda to Uppal with jasmine flowers, and when he reached Nallacheruvu Katta of Uppal, college bus bearing No.AP03T 3139 came in opposite direction on wrong side in a rash and negligent manner and dashed the scooter of the appellant. In the said accident, the appellant sustained injuries. He filed aforesaid OP against respondents Nos.1 and 2, the owner and insurer of aforesaid bus, respectively, claiming compensation of Rs.6,50,000/- for the injuries sustained by him.

3. Before the Tribunal, respondent No.1 remained *ex parte*. Respondent No.2 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 Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the

bus and awarded total compensation of Rs.3,41,000/- with interest @ 7.5% per annum, i.e., Rs.25,000/- towards fracture to head, Rs.50,000/- towards 4 grievous injuries, Rs.2,000/- towards simple injury, Rs.1,00,000/- towards disability, Rs.1,44,000/-, Rs.5,000/- towards transportation, Rs.5,000/- towards extra nourishment and Rs.10,000/- towards future operation expenses. Dissatisfied with the quantum of compensation, the appellant filed the present appeal, seeking enhancement of the same.

5. Heard.

6. Though P.W.5 stated that the appellant had to undergo another operation, which costs about Rs.50,000/-, the Tribunal granted Rs.10,000/- towards future operation expenses, which is meager. Therefore, the same amount is enhanced to Rs.50,000/-. Except the said enhancement, the Order of the Tribunal remains unchanged.

7. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed enhancing the compensation amount awarded by the Tribunal from Rs.3,41,000/- to Rs.3,81,000/-. The enhanced amount shall carry interest @ 7.5% per annum. Miscellaneous petitions pending, if any, shall stand closed. No costs.

T.AMARNATH GOUD, J

Date: 25.06.2019
TJMR