

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.690 of 2006

JUDGMENT:

Appellant-claimant filed this appeal against the award dated 11.01.2005 passed in O.P.No.767 of 2000 by the Chairman, Motor Accidents Claims Tribunal-cum-V Additional District Judge, Nizamabad, whereby and whereunder the Tribunal granted an amount of Rs.10,000/- towards compensation along with interest @ 9% per annum as against the claim of Rs.2,50,000/- on account of the injuries suffered by the appellant in the motor vehicle accident occurred on 17.06.1999.

2. The involvement of the crime vehicle i.e. car in the accident occurred on 17.06.1999 is not in dispute in the case on hand. The appellant challenged the impugned award only on the quantum of compensation awarded by the Tribunal and the finding given by the Tribunal with respect to the injuries sustained by the appellant in the accident. Therefore, this Court is not inclined to probe into other details.

3. Heard the learned counsel for the appellant and learned Standing Counsel for the respondent-Insurance Company.

4. As can be seen from the impugned award, the Tribunal disbelieved the version of P.W.2-Doctor and also Ex.C.1-Disability Certificate on the ground that the claimant has not obtained certificate from Medical Board and that there are discrepancies in the evidence of P.W.2. Accordingly, under the heads of pain and suffering, medical expenses and extra nourishment during the

treatment of his fracture injury of left leg as indicated in Ex.A.3, an amount of Rs.10,000/- has been awarded by the Tribunal.

5. It is an undisputed fact that the claimant met with an accident on 17.06.1999 and sustained grievous fracture injuries to his left leg for which he has undergone surgery. In view of the same, this Court feels that awarding a sum of Rs.30,000/- towards fracture and medical expenses would be reasonable in addition to the compensation granted by the Tribunal.

6. Accordingly, the appeal is partly allowed enhancing the compensation from Rs.10,000/- to Rs.40,000/- along with interest @ 7.5% per annum on the enhanced compensation amount payable by both the respondents jointly and severally. The entire compensation shall be deposited to the credit of the O.P. before the Tribunal, within a period of two months from the date of receipt of copy of this order. On such deposit, the appellant-claimant is entitled to withdraw the same.

Miscellaneous petitions pending in this appeal, if any, shall stand closed. No order as to costs.

T. AMARNATH GOUD, J

18.09.2019
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