

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.848 OF 2006

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Order and Decree dated 16.02.2006 passed in O.P.No.131 of 2004 by the Motor Vehicle Accident Claims Tribunal-cum-III Additional District Judge (FTC), Asifabad (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 07.03.2003 the petitioner was proceeding on his motorcycle bearing No.AP-1/E-3867 from Vegetable market to his house in Kagaznagar and when he reached near Divisional Forest Office, Edgha Colony, an auto bearing registration No.AP-1/U-1783 came at high speed without any indicator and dashed against his motorcycle and consequently he fell down and received injuries. Hence, the petitioner filed the present claim petition claiming a compensation of Rs.50,000/-, payable by respondents 1 & 2, being the owner and insurer of the vehicle, who are jointly and severally liable to pay the compensation to the petitioner.

4. Before the Tribunal, the 1st respondent remained *ex parte*. The 2nd respondent filed counter affidavit 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 auto and awarded total compensation of Rs.10,000/- to the petitioner i.e., Rs.1,000/- towards transport expenses, Rs.6,000/- towards medical expenses and Rs.3,000/- towards pain and suffering. Dissatisfied with the quantum of compensation, the appellant filed the present appeal, seeking enhancement of the same.

6. Heard Sri S.Surender Reddy, learned counsel appearing for the appellant.

7. Smt. I.Maamu Vani, learned Standing Counsel entered appearance for the 2nd respondent/insurance company and 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.

8. In the facts and circumstances of the case, this Court feels that the amount of Rs.3,000/- awarded by the Tribunal towards pain and suffering is very meager. Therefore, this Court is inclined to enhance the same to Rs.15,000/-. 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.	Transport expenses	Rs.1,000/-	Rs.1,000/-
02.	Medical expenses	Rs.6,000/-	Rs.6,000/-
03.	Pain and suffering	Rs.3,000/-	Rs.15,000/-
TOTAL		Rs.10,000/-	Rs.22,000/-

9. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed enhancing the compensation amount awarded by the Tribunal from Rs.10,000/- to Rs.22,000/- 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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