

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 1710 OF 2006

JUDGMENT:

This appeal is directed by the claimant against the award dated 27.01.2006 by the Motor Accidents Claims Tribunal (IV Additional District Judge) (FTC) at Nizamabad (for short 'the Tribunal'), in O.P.No.956 of 2001, whereby the Tribunal granted compensation of Rs.80,000/-.

2. The facts of the case are that on 23.02.2001, while the claimant was proceeding to Arnoor from Pipri on a scooter as pillion rider, the driver of the scooter drove the scooter in a rash and negligent manner, due to which the claimant sustained injury on the head. Immediately, the claimant was shifted to Osmania hospital, Hyderabad and later he was treated at Aware and Apollo Hospitals. Petitioner mentions that he has incurred Rs.2,00,000/- towards medical expenses. Prior to accident, the claimant was working as Supervisor at Santosh Rice Mill and used to earn Rs.5,000/- p.m, but due to the accident, the claimant became unfit for work and lost his future income and sustained loss to his health and sought for a compensation of Rs.2,00,000/-.

3. The Tribunal after considering the evidence and material available on record has awarded Rs.80,000/- as compensation with interest @ 7.5% per annum from the date of petition till the date of realization as against the claim of Rs.2,00,000/-. Aggrieved thereby, the appellant/claimant filed the present appeal seeking enhancement.

4. For the sake of convenience, the parties herein are referred to as arrayed in the tribunal.

5. Respondent Nos.1 and 2 remained ex-parte.

6. In order to prove the case of the claimant, PW.1 and PW.2 were examined and Exs.A.1 to A.12 were marked. No oral evidence is adduced on behalf of the respondents but marked Ex.B.1- copy of insurance policy.

7. Admittedly, the accident has taken place and the claimant sustained head injury. Thereafter, on 24.02.2001, operation was conducted to the claimant in Osmania General hospital and he was treated there till 10.03.2001. In view of the same, this Court feels the amount of Rs.80,000/- awarded by the Tribunal is meager and needs to be enhanced and accordingly, under the head of medication, Rs.20,000/- is awarded. The enhanced compensation shall carry interest @ 7.5% per annum from the date of petition till the date of realization. Respondents are directed to deposit the compensation amount within three months.

8. In view of the above, the appeal is allowed to the extent indicated above and the findings of the rest of the order remains unchanged. There shall be no order as to costs.

Miscellaneous petitions if any, shall stand closed.

T.AMARNATH GOUD,J

Date: 19-11-2019

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