

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 673 OF 2006

JUDGMENT:

This appeal is directed against the award, dated 01.12.2005, passed by the Motor Accidents Claims Tribunal-cum-XIII Additional Chief Judge (F.T.C.), City Civil Court, Hyderabad (for short 'the Tribunal'), in O.P.No.1363 of 2004 whereby the Tribunal awarded compensation of Rs.40,750/-, against the claim of Rs.3,00,000/-, on account of the injuries sustained by the petitioner in a motor vehicle accident that occurred on 08.04.2004.

2. For the sake of convenience, the parties herein are referred to as arrayed in the Court below.

3. The brief facts of the case are hereunder:

On 08.04.2004 at 7.00 p.m., while the petitioner was proceeding on his Hero Honda from Tandur to Urella village and when he reached at Enkepally gate, one Tata Sumo bearing No.AP 22 E 888 came in opposite direction from Manneguda side at high speed in rash and negligent manner and dashed the petitioner, as a result of which, the petitioner fell down and received bleeding and multiple grievous injuries all over the body.

4. Before the Tribunal, owner of the Tata Sumo, remained *ex parte*. Respondent No.2-Insurance Company filed a counter denying the allegations and contended that the petitioner without having a

proper and valid licence and without observing and following the traffic rules drove his Hero Honda rashly and thereby, the Insurance Company is not liable to pay any compensation and that the amount claimed by the petitioner is highly excessive and, therefore, 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 due to the rash and negligent driving of the driver of the Tata Sumo and awarded total compensation of Rs.28,500/- under the following heads with interest at the rate of 6% per annum:

Towards transportation	Rs.	2,000/-
Damage to clothes	Rs.	1,000/-
Towards pain and suffering	Rs.	5,000/-
Towards attendant expenses	Rs.	6,000/-
Towards extra nourishment	Rs.	6,000/-
Towards loss of earnings	Rs.	15,750/-
Uneasiness, discomfort, inconvenience and temporary disability	Rs.	5,000/-
TOTAL :		<u>Rs. 40,750/-</u>

6. Dissatisfied with the quantum of compensation, the petitioner filed the present appeal, seeking enhancement of the same.

7. Heard.

8. Having regard to the facts and circumstances of this case, I am of the opinion that the Tribunal has passed a well reasoned order.

Therefore, no interference is required in the award passed by the Tribunal. However, the Tribunal has ignored the fact that the petitioner received grievous surgical fracture injury and this Court feels it just and necessary to award a sum of Rs.20,000/- under the above said head.

9. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed, enhancing the compensation amount awarded by the Tribunal from Rs.40,750/- to Rs.60,750/- with interest @ 7.5% per annum from the date of claim petition till realization.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

T.AMARNATH GOUD, J

17th September 2019

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