

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.2528 OF 2006

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Award and Decree dated 01.09.2005 passed in M.A.T.O.P.No.672 of 1998 by the Motor Accident Claims Tribunal-cum-II Additional District Judge (FTC), Khammam (for short, the Tribunal).

2. The brief facts of the case are that on 18.10.1996 at 5.10 P.M., while the appellant along with others were standing on road side at Bharkatgudem bus stage, an ambassador car bearing No.AEY 6335 driven by its driver in a rash and negligent manner and at high speed, dashed the appellant. In the said accident, the appellant sustained grievous injuries. He filed the aforesaid OP against respondent Nos.1 to 3, driver, owner and insurer of the car, respectively, claiming compensation of Rs.1,00,000/- for the injuries sustained by him.

3. Before the Tribunal, respondent Nos.1 and 2 remained *ex parte*. Respondent No.3 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 car and awarded total compensation of Rs.46,000/- with interest @ 7.5% per annum. Dissatisfied with the quantum of compensation, the appellant filed the present appeal, seeking enhancement of the same.

5. Sri Kiran Reddy, learned counsel appearing for the appellant, submitted that the Tribunal awarded meager compensation of Rs.46,000/- as against the claim of Rs.1,00,000/- and therefore, the said compensation needs to be enhanced.

6. Sri N.J.Sunil Kumar, learned counsel appearing for respondent No.3, submitted that the Tribunal passed a well reasoned order and sought to dismiss the appeal.

7. As seen from the record, the appellant was admitted in Osmania General Hospital, Hyderabad on 19.10.1996 and discharged on 5.11.1996 for the fracture of left femur and L-plate was inserted in his left femur on 28.10.1996. The Tribunal awarded Rs.5,000/- towards pain and suffering, Rs.22,000/- towards treatment charges, Rs.9,000/- towards loss of earnings and Rs.10,000/- towards disability.

8. This Court feels that the Tribunal granted meager amount of Rs.5,000/- towards pain and suffering and the same is enhanced to Rs.25,000/-. The appellant has to undergo future surgery for removal of implants for which this Court is inclined to grant Rs.10,000/- for future surgery and removal of implants. The other amounts granted by the Tribunal need no interference and the same are confirmed. Therefore, the total compensation would be as under:

Sl.No.	Name of Head	Awarded by Tribunal	Awarded by this Court
01.	Pain and suffering	Rs.5,000/-	Rs.25,000/-
02.	Expenditure towards treatment	Rs.22,000/-	Rs.22,000/-
03.	Loss of earning	Rs.9,000/-	Rs.9,000/-
04.	Disability	Rs.10,000/-	Rs.10,000/-
05.	Future surgery	--	Rs.10,000/-
Total		Rs.46,000/-	Rs.76,000/-

8. In the result, the Motor Accident Civil Miscellaneous Appeal is allowed enhancing the compensation amount awarded by the Tribunal from Rs.46,000/- to Rs.76,000/-. The enhanced amount shall carry 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

Date: 06.11.2019
Shr

