

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.2159 OF 2006

JUDGMENT:

This appeal is filed by the appellant-claimant against respondent Nos.1 and 2 (The Managing Director and Bodhan Depot Manager, Andhra Pradesh State Road Transport Corporation respectively) aggrieved by the Judgment and Decree dated 04.05.2006 passed in O.P.No.44 of 2003 by the Motor Accidents Claims Tribunal (II Additional District Judge) (Fast Track Court), Nizamabad (for short, the Tribunal) for granting compensation of Rs.25,000/- out of claim of Rs.2,00,000/- with interest at 7.5% p.a. with the averments in the grounds of appeal that the compensation granted by the Tribunal is unjust and very low and prays the Court to grant compensation as claimed for.

2. The brief facts of the case are that on 23.10.2002 the appellant, along with two others, was traveling on TVS Champion Moped bearing No.AP-25-F-448 from Indalwai to Chandrayanpally and at 5.30p.m. when they reached near Roopla Nayak Thanda, suddenly one RTC bus bearing No.AP-11-Z-1629 belonged to Bodhan Depot, driven by its driver in a rash and negligent manner at high speed, came from Kamareddy side and dashed to their Moped. Due to which they received fractures and injuries. Immediately after the accident, the petitioner was shifted to Govt. hospital, Nizamabad where he was treated by Dr.T.Narsing Rao. After discharge from the Govt.Hospital, the appellant continued

taking treatment and so far incurred an expenditure of Rs.50,000/- towards medicines, special diet and for attendant.

3. Before the Tribunal, the respondents filed their 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 crime vehicle-RTC Bus and awarded compensation of Rs.25,000/- with interest @ 7.5% per annum, i.e., Rs.20,000/- towards pain and suffering and Rs.5,000/- towards medical expenses. Dissatisfied with the quantum of compensation, the injured filed the present appeal, seeking enhancement of the same.

5. Heard.

6. Admittedly, accident took place and the appellant/claimant was admitted in the hospital for treatment and the P.W.2- Dr.T.Narsing Rao, who treated the injured stated that on 23.10.2002 he examined the appellant and found fracture shaft tibia of right leg and both bones of right fore arm and provided treatment as outpatient as the appellant not shown interest to be treated as in-patient and in this regard issued wound certificate which is Ex.A.3. Thus the evidence of P.W.2 clearly shows that the injured sustained injuries and was treated on it.

7. In view of the above, this Court feels that the compensation awarded by the Tribunal of Rs.25,000/- is very meager and the same is enhanced to Rs.38,000/- in total by awarding Rs.30,000/- towards pain and sufferance for fractures, Rs.5,000/-towards medical expenses and Rs.3,000/- towards extra nourishment. including attendant charges and extra nourishment. Except the said enhancement, the Judgment of the Tribunal remains unchanged.

8. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed, enhancing the compensation amount awarded by the Tribunal from Rs.25,000/- to Rs.38,000/-. 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: 22.10.2019
Vvr