

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 1209 & 1181 OF 2006

COMMON JUDGMENT:

Both these appeals are heard together and disposed of by this common judgment.

2. These appeals are directed by the claimants against the award dated 18.04.2006 passed by the Motor Accident Claims Tribunal (VII Additional District Judge) (FTC) Nizamabad at Bodhan (for short 'the Tribunal'), in O.P.No.965 of 2002 and O.P.No.966 of 2002 respectively, whereby the trial Court has granted compensation of Rs.37,500/- to each claimant in both the O.Ps.

3. The brief facts of the case are that on 13.09.2001 at about 5-30 a.m, while the claimants were walking on the Bichkumda to Kandarpalle PWD road, Nizamabad District, a lorry belonging to 1st respondent came from their behind in a rash and negligent manner, dashed the claimants. Immediately, after the accident, the claimants were shifted to Government Hospital and there they incurred an amount Rs.40,000/- each towards their medical expenditure. Due to the accident, the claimants sustained permanent disability and sought for a compensation of Rs.2,00,000/- each.

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

5. Respondent No.1 was set exparte and Respondent No.2 filed counter denying the claim petitions, in both the O.Ps.

6. In order to prove the case of the claimants, in O.P.No.965 of 2002, P.Ws.1 and 2 were examined and marked Exs.A.1 to A.34 and in O.P.No.966 of 2002, P.W.3 is examined and marked Exs.A1 to A30. However, in both the O.Ps, no oral or documentary evidence is adduced on behalf of the respondents.

7. The Tribunal on the strength of the evidence of the Doctor, who treated them and opined that the claimants sustained injuries to their left femur and performed operations to the same and other grievous injuries, and after considering various aspects has awarded Rs.37,500/- as compensation with interest @ 7.5% per annum from the date of petition till the date of realization to both the claimants in both the O.Ps.

8. In view of the grievous injuries, this Court feels that amount awarded by the Tribunal is meager and thus enhances the same by a sum of Rs.12,500/- under the head of discomfort. Thus, the total compensation the claimants are entitled to is Rs.50,000/- each. The enhanced compensation shall carry interest @ 7.5% per annum from the date of petition till the date of realization. Respondents 1 and 2 are directed to deposit the compensation amount jointly and severally within three months.

9. Accordingly, the appeals allowed to the extent indicated above. There shall be no order as to costs.

Miscellaneous petitions if any, shall stand closed.

T.AMARNATH GOUD,J

Date: 05-11-2019

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