

THE HONOURABLE SRI JUSTICE A. RAJASHEKER REDDY

MA.CMA. No.3398 of 2005

JUDGMENT:

This appeal is filed by petitioner in M.V.O.P.No.2296 of 2003 on the file of Chairman, Motor Accident Claims Tribunal-cum-XXI Additional Chief Judge-cum-VII Additional Metropolitan Sessions Judge, Red hills, Nampally, Hyderabad, for enhancement of compensation, mainly on the ground that Tribunal granted to him compensation to a tune of Rs.13,500/- only whereas he claimed a sum of Rs.1,50,000/- towards compensation.

It is the case of appellant that on 06.04.2003, at about 1400 hours, appellant and others were proceeding in a Jeep bearing No.APK 4706 from Nayaenanyally to Thimmajipet and when they reached near Wanapatla, one APSRTC Bus bearing No.AP10 Z 5995, driven by its driver, in rash and negligent manner, came in high speed in an opposite direction and dashed the Jeep, due to which, appellant and others sustained injuries and some others died on spot and injured persons were shifted to Area Hospital, Nagar Kurnool. In this connection, Crime No.42

of 2003 was registered by Police, Nagar Kurnool; that appellant sustained injuries, as a result of which, he had confined to bed; that due to accident, his family members put to great hardship and irreparable loss; that the accident occurred due to rash and negligent driving of driver of offending bus and thereby, they claimed compensation of Rs.1,50,000/- against respondents by way of filing O.P.

The Tribunal on appreciation of oral and documentary evidence, awarded compensation of Rs.13,500/- to appellant. Against the said order, this appeal is filed.

Learned counsel for appellant submits that no compensation was granted with respect to injuries sustained by appellant though Tribunal found that he sustained grievous injury as per Ex.A.4; that compensation granted on account of pain and suffering is on lower side as appellant was treated as in-patient for about 18 days and underwent operation for grievous injury and that only meager amount was granted towards compensation.

On the other hand, learned Standing Counsel for APSRTC appearing for respondents submits that appellant has not produced any evidence with respect to his claim for

compensation, but, Tribunal granted compensation, as such, no interference by this Court is called for in order impugned.

A perusal of order impugned goes to show that Tribunal awarded compensation of Rs.5,000/- towards pain and suffering; Rs.3,000/- towards medical expenses; Rs.4,000/- towards loss of earnings for a period of one month; Rs.500/- towards transportation to hospital and Rs.1,000/- towards extra-nourishment, in total, Rs.13,500/-. Further, appellant sustained grievous injury but Tribunal did not grant any amount therefor. In view of same, this Court is of the opinion that appellant is entitled to Rs.25,000/- towards grievous injury. It is to be seen that Tribunal granted only Rs.5,000/- towards pain and suffering and Rs.1,000/- towards extra-nourishment. It is evident that appellant underwent operation on 14.04.2003. Therefore, amount granted under the said heads requires to be enhanced, as such, appellant is entitled to compensation of Rs.20,000/- for pain and suffering and Rs.10,000/- for extra-nourishment. Thus, appellant is entitled to a total compensation of Rs.55,000/-.

In the result, this appeal is allowed in part enhancing the compensation from Rs.13,500/- to Rs.55,000/-. However, on the enhanced compensation of Rs.41,500/-, appellant is entitled to

interest @ 7.5% per annum from the date of petition till realization.

Consequently, Miscellaneous Petitions, if any pending, shall stand disposed of. No order as to costs.

A. RAJASHEKER REDDY, J

13th FEBRUARY, 2019.

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