

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.836 OF 2006

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Judgment and Decree dated 30.08.2005 passed in O.P. No.1044 of 2001 by the Motor Accidents Claims Tribunal (III Additional District Judge) (Fast Track Court), Nizamabad (for short, the Tribunal) for awarding compensation of Rs.16,000/- though the claim is of Rs.1,00,000/-.

2. The brief facts of the case are that on 10.11.2000 the petitioner along with some others was traveling in a lorry bearing No.ABK 7778 from Mamidipally to Nizamabad and at about 2.00 P.M., the said lorry was stopped at agricultural market committee check post at Manikbandar. In the meanwhile, an RTC bus (the crime vehicle) bearing No.AP-10-Z-2145 came from Armour side at a high speed in a rash and negligent manner and dashed to parked lorry and as a result of it, the petitioner and others sustained injuries. The petitioner sustained fracture to right tibia, forehead and other multiple and grievous injuries all over the body. The petitioner further submits that he spent huge amount for the treatment. He also submits that before the accident, he used to earn Rs.5,000/- per month by vending milk but due to injuries, he is not in a position to do any work as suffering from permanent disability due to the accident. Hence, the compensation may be granted as prayed for.

3. Before the tribunal, the respondents denied the version of the petitioner and claimed that the claim of the petitioner is excessive and prayed to dismiss the claim petition.

4. After hearing both side and 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 RTC bus and awarded compensation of Rs.16,000/- (Rs.7,500/- towards fracture of right tibia, Rs.2,000/- towards other simple injury, Rs.5,000/- towards treatment and extra nourishment, Rs.500/- towards transport charges, Rs.1,000/- towards pain and suffering) with interest @ 7.5% per annum. 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 claimant/appellant was admitted in the hospital for treatment and same is proved by the evidence of P.W.2-Dr.Ramulu, who treated the injured, stated that he examined the injured in his private clinic and found fracture of tibia right and an abrasion over the forehead and also issued Ex.A.3-wound certificate. Though the appellant claimed that initially he was admitted in Govt. Headquarters hospital, Nizamabad for treatment as in-patient, the same was not proved by

him with any documentary proof. Even the medical bills under Ex.A.4 are also not proved on the reason that the bills showing the name of the Doctor as K.Subash whereas treatment was taken in the private hospital of P.W.2. Thus the evidence of P.W.2 clearly shows to the extent of treating the injured.

7. In view of the above, this Court feels that the compensation awarded by the Tribunal of Rs.16,000/- is very meager and is now enhanced the same to Rs.25,000/- by enhancing to Rs.10,000/- from Rs.7,500/- towards fracture; to Rs.5,000/- from Rs.2,000/- towards simple injury and to Rs.4,500/- from Rs.2,000/- towards pain and suffering. 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.16,000/- to Rs.25,000/-. 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: 18.09.2019
Vvr