

**THE HON'BLE SRI JUSTICE T.AMARNATH GOUD**

**M.A.C.M.A. No.2507 OF 2009**

**JUDGMENT:**

This appeal is filed by the appellant-claimant aggrieved by the Order and Decree dated 10.03.2008 passed in O.P.No.928 of 2006 by the Motor Accidents Claims Tribunal-cum-I Additional District Judge at Nalgonda (for short, the Tribunal).

2. The brief facts of the case are that on 18.05.2006 at about 9.30 am., when the appellant boarded bus bearing No.AP11Z 2187 at Chithappali X roads to go to Ibrahimpatnam, the Conductor informed the appellant that there was no stage at Ibrahimpatnam. On that, while the appellant was trying to get down the bus, the driver drove the bus in a rash and negligent manner, due to which, the door of the bus hit the appellant. As a result of which, the appellant fell down from the bus and sustained grievous injuries. The appellant filed aforesaid OP against the respondent-RTC, claiming compensation of Rs.1,25,000/- for the injuries sustained by her.

3. Before the Tribunal, the respondent filed 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 bus and awarded total compensation of Rs.31,500/- with interest @ 7.5% per annum, i.e., Rs.20,000/- towards injuries, Rs.10,000/-

towards medical expenses and Rs.1,500/- towards loss of earnings. Dissatisfied with the quantum of compensation, the appellant filed the present appeal, seeking enhancement of the same.

5. Heard.

6. Though the appellant filed medical bills and prescriptions for a sum of Rs.31,334/-, she did not examine to prove the same. On that ground, the Tribunal declined to award any amount under that head. Hence, I see no ground to interfere in that regard. For the injuries suffered by the appellant, the Tribunal granted Rs.20,000/- towards injuries, Rs.10,000/- towards medical expenses and Rs.1,500/- towards loss of earnings, which do not require any interference, but did not grant any amount towards pain and suffering and extra nourishment. As the appellant suffered head injury and underwent treatment, for which, this Court feels it would be appropriate to award Rs.10,000/- towards pain and suffering and Rs.5,000/- towards extra nourishment.

7. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed enhancing the compensation amount awarded by the Tribunal from Rs.31,500/- to Rs.46,500/-. The enhanced amount shall carry interest @ 7.5% per annum. Miscellaneous petitions pending, if any, shall stand closed. No costs.

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**T.AMARNATH GOUD, J**

Date: 25.06.2019  
TJMR