

HONOURABLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.64 of 2012

JUDGMENT:

This appeal is filed by the injured claimant under Section 173 of the Motor Vehicles Act aggrieved by the order passed by the III Additional Chief Judge, City Civil Court, Hyderabad in O.P.No.2533 of 2005 dated 29.06.2007, for the injuries sustained by him.

2. For the sake of convenience, the parties herein are referred to as arrayed in the Court below.

3. The brief facts of the case are that on 09.10.2005 while the claimant was going by walk, one motorcycle bearing No.AP-20-B-4977, which was driven by its driver without observing traffic rules in a rash and negligent manner, dashed the claimant from the back side, due to which he sustained fracture and other injuries all over the body and was taken to Premier Hospital for treatment and spent Rs.80,000/- towards medical expenses and sustained disability due to the injuries.

4. The Tribunal has examined the appellant-injured claimant as PW.1 and marked exhibits Exs.A1 to A11 and on behalf of respondents, none were examined, but Ex.B1-policy was marked and after framing the issues, allowed in part the claim by awarding compensation of Rs.15,000/- against the claim of Rs.2,00,000/-.

5. Aggrieved by the meager amount awarded by the Tribunal, the claimant preferred the present appeal with the contentions that the Tribunal ought to have awarded the amount as claimed by the

claimant and sought for enhancement of the amount by allowing the appeal.

6. Learned counsel for respondents supported the award of the Tribunal and sought for dismissal of the appeal.

7. So far as quantum of compensation is concerned, admittedly the accident has taken place and the claimant has sustained injuries. As per Ex.A5, he was admitted in the hospital on 09.10.2005 and discharged on 21.10.2005 and surgery has been performed and bill of Rs.30,000/- towards medical expenses is considered. Again for removal of internal fixation of both legs, future surgery is also required, for future surgery Rs.10,000/-, Rs.2,000/- towards transportation, Rs.3,000/- towards extra nourishment and Rs.5,000/- towards pain and suffering. Thus the total compensation to which the claimant entitled is Rs.50,000/-.

8. Accordingly and in the result, this Appeal is allowed by enhancing the amount awarded by the Tribunal from 15,000/- to Rs.50,000/- with rate of interest at 7.5% per annum from the date of petition till the date of realization. No costs.

Miscellaneous petitions if any shall stand closed.

T.AMARNATH GOUD, J

Date: 23.12.2019
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