

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.2538 OF 2009

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Order and Decree dated 10-04-2008 passed in O.P.No.125 of 2004 by the Chairman, Motor Vehicle Accidents Claims Tribunal-cum-III Additional District Judge(FTC). Asifabad (for short, the Tribunal).

2. The brief facts of the case are that on 28.11.2002, while the appellant was traveling in RTC bus bearing No.AP9Z 6602, and when the said bus reached near Indaram X road at about 6.00 pm., the tipper bearing No.AHJ 3922, came from opposite direction, being driven by its driver in a rash and negligent manner, and dashed against the RTC bus. In the said accident, the appellant sustained grievous injuries. He filed the above OP against respondent Nos.1 and 2, the owner and the insurer of the tipper, claiming compensation of Rs.1,00,000/- for the injuries sustained by him.

3. Before the Tribunal, respondent No.1 remained *ex parte*. Respondent No.2 filed counter denying the allegations made in the claim petition *inter alia* contending that the amount of compensation claimed by the claimant is excessive, exorbitant, imaginary and out of proportion and sought to dismiss the 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

tipper and awarded compensation of Rs.23,000/- with interest @ 7.5% per annum, i.e., Rs.6,000/- towards loss of earnings, Rs.2,000/- towards transportation, Rs.3,000/- towards medical expenses, Rs.1,000/- towards extra nourishment and Rs.11,000/- towards pain and suffering. Dissatisfied with the quantum of compensation, the appellant filed the present appeal, seeking enhancement of the same.

5. Heard.

6. As seen from the record, the injuries sustained by the appellant are simple in nature, except one grievous injury on the right hand femur, which is non-surgical fracture. This Court feels that the Tribunal has awarded reasonable compensation after considering the oral and documentary evidence adduced on both sides, therefore, there are no grounds to interfere with the said order.

7. In the result, the Motor Accidents Civil Miscellaneous Appeal is dismissed. Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

T.AMARNATH GOUD, J

Date: 25-6-2019
TJMR