

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 3768 OF 2005

JUDGMENT:

This appeal is directed against the order dated 11.03.2005 passed by the Motor Accidents Claims Tribunal-cum- III Additional District Judge (FTC), Asifabad (for short 'the Tribunal'), in O.P.No.2 of 2002 whereby the Tribunal awarded compensation of Rs.13,500/- on account of the injuries caused in a motor vehicle accident that occurred on 03.10.2001 at about 1900 hours, when the petitioner returning from Kastapet Village on cycle and when he reached near Yellakkapet Village cross road, a Jeep bearing No. AP 1B 4975 came at high speed and rashly dashed against the petitioner's cycle, due to which the petitioner fell down and suffered fracture to right leg, right arm and injuries on other parts of the body and then he was taken to the Government Hospital, Chennur, given first aid and thereafter, he was referred to Ashwini Orthopedic Hospital, Mancherial, where the petitioner took treatment for one month and spent Rs.20,000/- towards medical expenses.

2. For the sake of convenience, the parties herein are referred to as arrayed before the tribunal.

3. Being dissatisfied with the quantum of award passed by the Tribunal, as against the claim of Rs.1,00,000/-, the injured filed this appeal seeking enhancement of compensation contending that the tribunal only awarded Rs.13,500/- on various heads, which is

very meager and that the accident occurred due to rash and negligent driving of the driver of the crime vehicle and that though the petitioner filed documentary evidence, the tribunal granted meager compensation on all heads and hence, prayed to enhance the compensation.

4. There is no dispute with regard to the manner of accident and involvement of the vehicle. A perusal of the order passed by the tribunal, admittedly, the petitioner suffered two grievous injuries as per Ex.A.3 – wound certificate, Rs.20,000/- has been granted. Rs.6,000/- granted by the tribunal towards loss of earnings unaltered. Rs.10,000/- is granted towards pain and suffering as against Rs.3,000/- granted by the tribunal as the petitioner suffered two grievous injuries. Rs.3,000/- has been granted towards attendant charges. Rs.4,000/- as granted by the tribunal towards medical expenses is unaltered. Rs.500/- towards transportation granted by the tribunal is unaltered. Thus, the petitioner is entitled for total compensation of Rs.43,500/-. The enhancement compensation shall carry interest @ 7.5% per annum from the date of petition till the date of realization. In all other aspects, the order passed by the tribunal holds good.

5. In view of the above, the appeal is allowed-in-part as indicated above. There shall be no order as to costs.

Miscellaneous petitions if any, shall stands closed.

T.AMARNATH GOUD,J

Date: 12.09.2019
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