

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

CMA NO. 3661 OF 2005

JUDGMENT:

This appeal is directed by the injured claimant against the judgment dated 02.05.2005 in O.P.No.81 of 1999 passed by the Motor Accidents Claims Tribunal-cum-III Additional District Judge (FTC), Nizamabad (for short 'the Tribunal'), whereby the Tribunal dismissed O.P on the ground that Ex.A.2-OP ticket and C1-case sheet pertains to the petitioner from the Government Headquarters Hospital, Nizamabad does not disclose any injury except tenderness at two places and that fractures and consequent disability is nothing but false.

2. It is the case of the injured claimant that while he was driving auto bearing No. AP 25 T 4522 on 25.01.1999 from Nizamabad to Borgoan, at about 11.30 a.m., when his auto reached Vinayaknagar Hanuman Temple, one RTC bus bearing No. AP 9Z 9759 came at high speed in a rash and negligent manner and dashed against the auto of the petitioner, as a result of which, auto was completely damaged and the petitioner sustained fracture to the ribs of both sides, right leg, left leg and other injuries all over the body and admitted in the Government Hospital, Nizamabad and later underwent treatment with private hospitals by spending Rs.40,000/-. Therefore, the injured claimant claimed compensation of Rs.1,00,000/- with interest @ 24% per annum.

3. Respondents filed written statement before the tribunal denying the allegations made in the claim petition and that the petitioner himself caused accident and that the petitioner is not having valid driving license to drive the auto at the time of accident.

4. There is no dispute with regard to the manner of the vehicle and involvement of the vehicle. The award passed by the tribunal is well considered and needs no interference by this Court. However, in the light of evidence of PWs.1 to 3 and Exs.2 to 16, Ex.A.18 and A.19-disability certificate, the petitioner admitted in the Government hospital and provided treatment, which is free of cost, awarding any compensation under this head does not arise. But the petitioner suffered shock, pain and suffering and extra-nourishment. Therefore, it would be just and necessary to grant Rs.10,000/- towards the same with interest @ 7.5% per annum from the date of petition till the date of realization. Respondents are liable to the pay the compensation amount.

In view of the above, MACMA is allowed-in-part setting aside the judgment dated 02.05.2005 in O.P.No.81 of 1999 passed by the Motor Accidents Claims Tribunal-cum-III Additional District Judge (FTC), Nizamabad. There shall be no order as to costs.

Miscellaneous petitions, if any, shall stand closed.

T.AMARNATH GOUD,J

Date: 12.09.2019
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