

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

C.M.A. No.4559 OF 2004

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Award and Decree dated 02.08.2004 passed in O.P.No.889 of 2002 by the IV Additional Chief Judge-cum-MVAT, City Civil Courts, Hyderabad (for short, the Tribunal).

2. The brief facts of the case are that on 22.03.2002 at about 8.45 am., while the appellant was travelling as a pillion rider on scooty bearing No.AP9AJ 7821 from Alwal to Yellareddyguda, and when they reached NINH Hospital, Bowenpally, a lorry bearing No.AP10T 4050 came in a rash and negligent manner with high speed and hit the scooty. In the said accident, the appellant fell down and sustained fractures. She filed aforesaid OP against respondents Nos.1 and 2, owner and insurer of lorry, claiming compensation of Rs.1,50,000/- for the injuries sustained by her.

3. Before the Tribunal, respondent No.1 remained *ex parte*. Respondent No.2 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 lorry and awarded compensation of Rs.44,830/- under various heads with interest @ 9% per annum. Dissatisfied with the

quantum of compensation, the appellant filed the present appeal, seeking enhancement of the same.

5. Sri C.Vikram Chandra, learned counsel for the appellant, submitted that in the accident, the appellant sustained grievous injuries and there are 33 sutures on her face, but the Tribunal did not award any amount towards disfigurement. He further submitted that the Tribunal did not award any amount towards grievous injury and future medicines and sought to enhance the compensation amount.

6. Sri Srinivasa Rao Vutla, learned Standing Counsel for respondent No.2, submitted that the Tribunal passed a well reasoned order and sought to dismiss the appeal.

7. It is clear from Ex.A.10-photos, that the injuries on the face of the appellant were treated with 33 sutures. Though the trial Court came to the conclusion that there is slight disfiguration on the face of the appellant, it did not award any amount under that head. In view of the same, this Court feels that awarding an amount of Rs.10,000/- towards disfigurement is just and reasonable. Apart from the same, in the facts and circumstances of the case, this Court is inclined to award a sum of Rs.15,000/- towards grievous injuries and Rs.1,000/- towards future medical expenses. Except the said enhancement, the Award of the Tribunal shall remain unchanged.

8. In the result, the Civil Miscellaneous Appeal is partly allowed enhancing the compensation amount awarded by the Tribunal from Rs.44,830/- to Rs.70,830/-. The enhanced amount shall carry interest @ 7.5% per annum from the date of claim petition till realization. Miscellaneous petitions pending, if any, shall stand closed. No costs.

T.AMARNATH GOUD, J

Date: 28.08.2019
TJMR

