

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.1255 OF 2006

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Order and Decree dated 28-10-2005 passed in O.P.No.804 of 2002 by the Motor Accidents Claims Tribunal-cum-II Additional Chief Judge, City Civil Court, Hyderabad (for short, the Tribunal).

2. The brief facts of the case are that on 25.05.2001 at about 1.30 PM., while the appellant was proceeding from Boinpally towards Medchal in his car bearing No.AAY 6898, the lorry bearing No.ABR 9459 came from opposite direction with high speed in a rash and negligent manner, dashed the car belonging to the appellant. Due to which, the appellant received multiple injuries. Immediately, he was shifted to CDR Hospital, Hyderabad for treatment and was admitted as in patient on 26.05.2001 and discharged on 20.08.2001. He filed the aforesaid OP against respondent No.1-owner and respondent No.2 insurer of the lorry, claiming compensation of Rs.4,00,000/- for the injuries sustained by him.

3. Before the Tribunal, respondent No.1 remained *ex parte*. Respondent No.2 filed its 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 lorry by its driver and awarded compensation of Rs.73,600/- with interest @

9% per annum. Aggrieved by the said award, the appellant filed the present appeal.

5. Heard.

6. The Tribunal has awarded an amount of Rs.40,000/- towards injuries, Rs.25,000/- towards pain and suffering and extra nourishment, Rs.1,000/-, towards transportation, Rs.3,000/- towards medical attendant and Rs.4,600/- towards medical expenses. As seen from the record, the appellant sustained fracture of pubic right side with urethral rupture right leg fracture and other injuries all over the body. He was admitted as in patient in CDR Hospital on 26.05.2001 and discharged on 20.08.2001. In view of the grievous injuries sustained by the appellant, this Court feels that the Tribunal awarded meager Rs.40,000/- towards injuries and in the facts and circumstances of the case, and therefore, the same is enhanced to Rs.1,00,000/-.

7. It is the case of the appellant, that he was an employee in a private company and earning Rs.3,000/- per month. He took treatment for a period of three months and taken bed rest for two months. Taking into consideration of his period of treatment and bed rest, an amount of Rs.15,000/- is awarded under the head loss of income and the total compensation awarded in this appeal comes to Rs.1,48,600/-. Except the above modification, the order passed by the Tribunal remains unchanged.

8. Accordingly, the Motor Accident Civil Miscellaneous Appeal is partly allowed, enhancing the compensation from Rs.73,600/- to Rs.1,48,600/-. 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: 25.09.2019
Shr

