

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.2325 OF 2006

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Order and Decree dated 14.06.2006 passed in O.P.No.520 of 2003 by the Motor Accidents Claims Tribunal (III Additional District Judge) (Fast Track Court) at Nalgonda (for short, the Tribunal).

2. The brief facts of the case are that on 01.11.2002 at about 6.00 am., while the appellant and some others were traveling in jeep bearing No.AP23A 7650 from Hyderabad to Devarakonda, and when the jeep reached near Choudarpally Gate of Yacharam Mandal, the driver of the jeep drove it in a rash and negligent manner at high speed, due to which, the jeep turned turtle. In the said accident, the appellant sustained fracture injures, head injury and other injuries all over his body. He filed aforesaid OP against respondent Nos.1 and 2, owner and insurer of aforesaid jeep, claiming compensation of Rs.1,50,000/- for the injuries sustained by him.

3. Before the Tribunal, the respondents filed separate counters 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

jeep and awarded total compensation of Rs.47,000/- i.e., Rs.20,000/- for grievous injury, Rs.3,000/- for head injury, Rs.2,000/- for injury on the right ear, Rs.12,000/- for medicines and Rs.10,000/- towards loss of income, with interest @ 7.5% per annum. Dissatisfied with the quantum of compensation, the appellant filed the present appeal, seeking enhancement of the same.

5. Heard.

6. A perusal of the record, it reveals that the appellant sustained fracture of both bones of left leg, fracture of right clavicle, head injury, dislocation of right knee cap and injury to right ear. P.W.2, the doctor who treated the appellant, deposed that on 01.11.2002, the appellant was admitted in the Osmania General Hospital for fracture of both bones of right leg and he underwent operation on 18.11.2002 and discharged on 28.11.2002 with an advice to follow up physiotherapy exercise and that the appellant was limping and there is restricted movement in his left ankle joint and got 10% permanent partial disability. In view of the above evidence, this Court feels that it would be appropriate to enhance the compensation under various heads as follows:

Sl.No.	Name of Head	Awarded by Tribunal	Awarded by this Court
01.	Two fracture injuries	Rs.20,000/-	Rs.50,000/-
02.	Three simple injuries	Rs.5,000/-	Rs.15,000/-
03.	Surgery charges	--	Rs.10,000/-
04.	Medicines	Rs.12,000/-	Rs.12,000/-
05.	Loss of earnings	Rs.10,000/-	Rs.15,000/- (Rs.3,000/-

			pm X 5 months)
06.	Extra nourishment	--	Rs.5,000/-
07.	Transportation	--	Rs.2,000/-
TOTAL		Rs.47,000/-	Rs.1,09,000/-

7. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed, enhancing the compensation amount awarded by the Tribunal from Rs.47,000/- to Rs.1,09,000/-. 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: 18.10.2019
TJMR

