

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.2231 OF 2006

JUDGMENT:

This appeal is filed by the appellants-claimants aggrieved by the Order and Decree dated 29.06.2006 passed in M.V.O.P.No.584 of 2002 by the Motor Vehicles Accidents Claims Tribunal-cum-I Additional District Judge, Medak at Sangareddy (for short, the Tribunal).

2. For the sake of convenience, the parties are hereinafter referred to as they were arrayed before the Tribunal in the original petition.

3. The brief facts of the case are that on 01.06.2002, the petitioners along with the other relatives have started for professing and taking Darshan of God at various places and after visiting several places, the petitioners lastly had been to Pandarpur for professing the God Pandurang and after darshan, the petitioners wanted to return to their native place at Hyderabad. Accordingly, the petitioners left the Pandarpur at about 10 p.m. in the night by jeep bearing No.AP 23/B 5103 and the driver of the said jeep was very negligent in driving the jeep and when the said jeep was plying on NH No.9 and reached within the limits of village Naldurga near Kilometer stone No.290, there was a curving point and suddenly applied break and consequently, the said jeep turned turtle on one side and as a result, the petitioners sustained grievous injuries and they were treated at Primary Health Centre, Naldurga and thereafter

they were treated at General Hospital, Solapur, and thereafter, they were shifted to BHEL Hospital, Hyderabad. Later, the 1st petitioner was admitted in Apollo Hospital, Hyderabad, and was treated as in-patient from 07.06.2002 to 26.06.2002 and has incurred more than one lakh rupees for his treatment. Therefore, the petitioners filed the claim petition claiming compensation of Rs.5,75,000/-, payable by both the respondents, being the owner and insurer of the offending jeep.

4 Before the Tribunal, both 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.

5. After considering the oral evidence of P.Ws.1 & 2 and R.W.1 and the documentary evidence of Exs.A-1 to A-14 & Ex.B-1, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the offending jeep and awarded total compensation of Rs.1,61,000/- i.e., Rs.6,000/- towards pain & suffering to the 2nd claimant, Rs.3,000/- towards pain & suffering to the 3rd claimant, Rs.3,000/- towards pain & suffering to the 4th claimant, Rs.1,46,000/- towards medicines and treatment to the 1st claimant and Rs.3,000/- towards pain & suffering to the 1st claimant, with interest @ 7.5% per annum from the date of petition till the date of realization, payable by respondents 1 & 2 jointly and severally. Dissatisfied with the quantum of

compensation, the appellants/claimants filed the present appeal, seeking enhancement of the same.

6. Heard Sri M.C.Acharyulu, learned counsel appearing for the appellants/claimants, Sri L.Prabhakar Reddy, learned counsel for the 1st respondent and Sri Somanchi Venkateswarlu, learned standing counsel for the 2nd respondent/insurance company. Perused the material record.

7. Admittedly, the Tribunal has awarded an amount of Rs.1,46,000/- towards medicines and treatment of the 1st claimant and only Rs.3,000/- towards pain & suffering to the 1st claimant, which is very meager. Hence, this Court is inclined to award an amount of Rs.10,000/- towards pain & suffering to the 1st claimant. The Tribunal has not granted any amount towards transportation, extra nourishment and disfigurement. Therefore, this Court is inclined to award an amount of Rs.2,000/- towards transportation charges, Rs.5,000/- towards extra nourishment and Rs.10,000/- towards disfigurement. Except the said enhancement, rest of the award remains unchanged.

8. Hence, the total compensation under various heads is as follows:

Sl.No.	Name of Head	Awarded by Tribunal	Awarded by this Court
01.	Pain & suffering to the 2 nd claimant	Rs.6,000/-	Rs.6,000/-
02.	Pain & suffering to the 3 rd claimant	Rs.3,000/-	Rs.3,000/-

03.	Pain & suffering to the 4 th claimant	Rs.3,000/-	Rs.3,000/-
04.	Medicines & treatment to the 1 st claimant	Rs.1,46,000/-	Rs.1,46,000/-
05.	Pain & suffering to the 1 st claimant	Rs.3,000/-	Rs.10,000/-
06.	Transportation charges	-	Rs.2,000/-
07.	Extra Nourishment	-	Rs.5,000/-
08.	Disfigurement	-	Rs.10,000/-
TOTAL		Rs.1,61,000/-	Rs.1,85,000/-

9. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed by enhancing the compensation amount awarded by the Tribunal from Rs.1,61,000/- to Rs.1,85,000/-, payable by respondents 1 & 2 jointly and severally. The enhanced amount shall carry interest @ 7.5% per annum from the date of petition till the date of realization. The respondents are directed to deposit the enhanced amount along with proportionate costs and interest within two (02) months from the date of receipt of a copy of this order. On such deposit, the appellants/claimants are permitted to withdraw their respective shares as awarded by the Tribunal. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in this appeal shall stand disposed of.

T.AMARNATH GOUD, J

Date: 22nd November, 2019

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