

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 1163 OF 2006

JUDGMENT:

This appeal is directed by the claimant against the award dated 03.02.2006 by the Motor Accidents Claims Tribunal (V Additional District Judge) at Nizamabad (for short 'the Tribunal'), in O.P.No.223 of 2002, whereby the Tribunal granted compensation of Rs.10,000/-.

2. The facts of the case are that on 05.12.2001 at about 12-30 p.m, while the claimant was proceeding to Ahmedi market, at Nehru Park, Nizamabad, a bus bearing No.AP25-T-2303 came in a rash and negligent manner dashed the petitioner causing several injuries i.e., fracture injuries on the left leg of both bones, fractures of ribs and injuries on head, legs, back, chest, hands and other parts of the body. Immediately he was shifted to Government hospital, Nizamabad and thereafter to a private hospital where he incurred Rs.40,000/- for his private treatment. At the time of accident, the claimant was aged about 45 years and was earning Rs.10,000/- per month by his hotel business running under the name and style of 'Jameel Ahmed Hotel' at Ichoda town of Adilabad District. After the accident, the claimant lost his future income and sustained permanent disability and became dependant on others and sought for a compensation of Rs.2,00,000/-.

3. The Tribunal after considering the evidence and material available on record has awarded Rs.10,000/- as compensation with interest @ 7.5% per annum from the date of petition till the

date of realization as against the claim of Rs.2,00,000/-. Aggrieved thereby, the appellant/claimant filed the present appeal seeking enhancement.

4. For the sake of convenience, the parties herein are referred to as arrayed in the tribunal.

5. Respondent Nos.1 and 2 remained exparte.

6. In order to prove the case of the claimant, PW.1 was examined and marked Exs.A.1 to A.12. No oral evidence is adduced on behalf of the respondents but marked Ex.B.1- copy of insurance policy.

7. Insofar as Ex.A5-injuries certificate is concerned, the same is considered by the Tribunal and the loss of income and expenditure incurred for obtaining treatment in a private hospital is not considered by the Tribunal since there is no evidence to that effect. Accordingly, the said claim under the above heads is denied. As per Ex.A5-injury certificate, since it is a grievous injury, this Court feels that the amount awarded by the Tribunal i.e. Rs.10,000/- towards pain and suffering is meager and accordingly, it is enhanced to Rs.15,000/- and towards extra nourishment Rs.2,000/-, towards transportation Rs.500/-. As regards other amounts awarded by the Tribunal towards medical expenditure of Rs.1,000/-, Rs.1,000/- towards transportation, Rs.1,000/- towards pain and sufferance due to simple injury and Rs.2,000/- towards vehicle damage are well considered in all aspects and needs no interference of this Court. The enhanced compensation amount of Rs.5,000/- shall carry interest @ 7.5% per annum from

the date of petition till the date of realization. Respondents are directed to deposit the compensation amount within three months.

8. In view of the above, the appeal is allowed in part. There shall be no order as to costs.

Miscellaneous petitions if any, shall stand closed.

T.AMARNATH GOUD,J

Date: 05-11-2019
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