

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.1804 OF 2006

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Order and Decree dated 03.07.2006 passed in O.P.No.685 of 2002 by the Motor Accidents Claims Tribunal-cum-District Judge, Adilabad (for short, the Tribunal).

2. The brief facts of the case are that on 16.03.2002 at about 11.45 pm., while the appellant, along with others, was proceeding in a jeep bearing No.MH29C 198 from 1K-1 Mine to Shetpelly, and when the said jeep reached in between Indaram and Tekumatla villages, one tractor and trolley bearing Nos.AP15U 50 and AP15U 51 came in a rash and negligent manner with high speed and dashed the jeep, due to which, the appellant fell down from the jeep and sustained fracture to right leg and other injuries all over the body. He filed aforesaid OP against respondent Nos.1 and 2, owner and insurer of tractor and trolley, claiming compensation of Rs.5,00,000/- 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 driver of the

tractor and trolley and awarded compensation of Rs.1,45,203/- with interest @ 7.5% per annum. Dissatisfied with the quantum of compensation, the appellant filed the present appeal, seeking enhancement of the same.

5. Sri S.Surender Reddy, learned counsel for the appellant, submits that the appellant was working in Singareni Collieries Company Limited as on the date of accident and due to the injuries sustained by him in the accident, he was declared unfit by the Corporate Medical Board and subsequently he was terminated from service. He further submits that in spite of recommendation of the Corporate Medical Board, vide its report dated 20.08.2003, to pay a sum of Rs.3 lakhs to the appellant in lieu of his termination, the Singareni Collieries Company Limited did not pay the same and he seeks to direct respondent No.2 to pay the same to the appellant and recover the same from the Singareni Collieries Company Limited. He further submits that the Tribunal erroneously granted meager compensation for the injuries sustained by the appellant and sought to enhance the same.

6. Smt.A.Malathi, learned counsel for respondent No.2, submitted that the Tribunal passed a well reasoned order by appreciating the evidence adduced before it and sought to dismiss the appeal.

7. A perusal of the record, it is clear that the appellant was working in Singareni Collieries Company Limited as on the date of

accident and due to the injuries sustained by him in the accident, he was declared unfit by the Corporate Medical Board and subsequently he was terminated from service. As the termination of the appellant was done due to the injuries sustained by him in the said accident, he is entitled for future earnings as recommended by the Corporate Medical Board.

8. As it is represented by the learned counsel for the appellant that Singareni Collieries Company Limited did not pay the amount, as recommended by the Corporate Medical Board, this Court is inclined to direct respondent No.2 to pay Rs.3 lakhs to the appellant, if not already paid to him, with interest @ 7.5% per annum from the date of petition till realization, and recover the same from Singareni Collieries Company Limited. The other observations of the Tribunal with regard to quantum of compensation, fastening of liability and rate of interest shall remain unchanged.

9. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed, as indicated above. Miscellaneous petitions pending, if any, shall stand closed. No costs.

T.AMARNATH GOUD, J

Date: 29.10.2019
TJMR