

HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.2318 of 2006

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Order and Decree dated 30-06-2006 passed in O.P.No.701 of 2003 by the M.A.C.T.-cum-III Additional District Judge, (F.T.C.), Nalgonda. (for short, the Tribunal).

2. Brief facts of the case are that the claimant filed the claim petition against the respondents claiming compensation of Rs.2.00 lakhs for the injuries sustained by him in the accident occurred on 20-03-2003 in a motor accident at Mudigonda village.

3. In the claim petition, the 2nd respondent-insurer 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 held that the accident occurred due to rash and negligent driving of the driver of the crime vehicle and accordingly granted compensation of Rs.1,05,900/- i.e. Rs.45,900/- towards injuries and Rs.60,000/- towards treatment and medicines.

5. Aggrieved by the same, the appellant/claimant filed the present appeal.

6. Heard and perused the material available on record.

7. After hearing the contentions of both sides, and in the light of Exs.A-1 to A-8, C-1 and B-2, this Court feels that the amount awarded by the Tribunal towards injuries is meager and the same needs to be enhanced. Accordingly, compensation under the head of two grievous fracture injuries, Rs.15,000/- each i.e. Rs.30,000/- is granted in addition to that of Rs.45,900/-, totaling Rs.85,900/-.

8. Further, the claimant is also entitled to be granted Rs.4,000/- towards pain and suffering; Rs.5,000/- towards transportation; and Rs.5,000/- towards extra-nourishment.

9. Except the above modification, the compensation of Rs.60,000/- awarded by the Tribunal towards treatment shall remain unchanged.

10. Therefore, the claimant is granted total compensation of Rs.1,49,900/- (Rs.45,900/- + Rs.60,000/- + Rs.30,000/- + Rs.4,000/- + Rs.5,000/- + Rs.5,000/-), rounded off to Rs.1,50,000/-.

11. In the result, the appeal is allowed in part by granting compensation of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) with interest at 7.5% per annum through out. The respondents are directed to deposit the said amount along with proportionate costs and interest within two months from the date of receipt of a copy of

this order. On such deposit, the appellant/claimant is permitted to withdraw the entire amount. No costs.

12. Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE T.AMARNATH GOUD

Date: 09.12.2019
kvr

