

HONOURABLE SRI JUSTICE T.AMARNATH GOUD

C.M.A.No.4849 of 2004

JUDGMENT:

This appeal is filed by the injured claimant under Section 173 of the Motor Vehicles Act aggrieved by the orders passed by the IV Additional Metropolitan Sessions Judge-cum-XVIII Additional Chief Judge, Hyderabad in O.P.No.2354 of 2001 dated 13.09.2004, for the injuries sustained by him.

2. For the sake of convenience, the parties herein are referred to as arrayed in the Court below.

3. The brief facts of the case are that on 14.06.2001 at about 11.30 PM while the appellant-injured claimant was walking near Yam Cafe, Nalgonda Cross-roads, one auto bearing No.AP-11-U-5464 came from behind driven by its driver in a rash and negligent manner with high speed and dashed the injured claimant, due to which he fell down and became unconscious due to head injury and shifted to Apollo Diagnostic Centre, Malakpet and therefrom to Apollo Hospital, Hyderguda and he was inpatient from 15.06.2001 to 16.07.2001 and his claim for Rs.6,00,000/-. According to the claimant, he was working as salesman in Sigma Moulding (Private) Limited and earning Rs.6,000/- per month.

4. The Tribunal has examined PWs.1 & 2 on behalf of the claimant and marked Exs.A1 to A9 and on behalf of the respondents, none were examined but Ex.B1 policy was marked. The Tribunal after framing the issues, allowed in part the claim of the claimant by awarding the compensation of Rs.87,000/-.

5. Aggrieved by the meager amount awarded by the Tribunal, the claimant preferred the present appeal with the contentions that the amount awarded by the Court below is meager and it ought to have awarded the amount as claimed by the claimant and sought for enhancement of the amount by allowing the appeal.

6. Learned counsel for the 2nd respondent-insurance company contended that the award of the Tribunal is well considered one and it requires no interference and sought for dismissal of the appeal.

7. So far as the quantum of compensation concerned, the claimant was hospitalized for a period of 32 days in Apollo Hospital and the Doctor who treated him was examined as PW.2 and Ex.A5 medical bills are considered and accordingly in the light of evidence of PW.2 and Ex.A3-salary certificate, this Court feels that the amount awarded by the trial Court is meager and the same needs to be enhanced.

8. In view of the above, this Court considers the medical expenses of Rs.70,260/-, loss of income for six months at the rate of Rs.6,000/- per month comes to Rs.36,000/-, pain and suffering Rs.10,000/-, Rs.17,000/- towards nursing and bandage and extra nourishment Rs.5,000/- and the total compensation to which the claimant is entitled to is Rs.1,38,260/-.

9. Accordingly and in the result, this Appeal is allowed by enhancing the amount awarded by the Tribunal to Rs.1,38,260/-

from Rs.87,000/-. The enhanced amount shall carry rate of interest at 7.5% per annum from the date of petition till the date of realization. No costs.

Miscellaneous petitions if any shall stand closed.

T.AMARNATH GOUD, J

Date: 14.10.2019
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