

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.1617 OF 2006

JUDGMENT:

This appeal is preferred against judgment and decree dated 24.11.2004 passed in O.P.No.124 of 2004 (Old O.P.No.966 of 2002) by the Motor Accidents Claims Tribunal-cum-II Additional District Judge, Nalgonda at Suryapet.

2. It is the case of injuries as against the claim of Rs.3,50,000/- in an accident occurred on 17.01.2002 as the injured received fracture to right tibial condyles, fracture head of 3rd, 4th metatarsals of left foot and received grievous injuries all over the body.

3. After examining PWs.1 to 3 and marking Exs.A.1 to A14 and Exs.X.1 to X.6 on behalf of the injured and perusing the material available on record, the tribunal partly allowed the claim petition and granted compensation of Rs.93,000/- that the accident occurred due to rash and negligent driving of the driver of the lorry and directed respondents 1 and 2 to deposit the compensation amount.

4. Learned counsel for the claimant contended that though the tribunal accepted that the claimant received grievous injuries, granted meager compensation and hence, prayed to grant just and proper compensation.

5. Learned standing counsel for the Insurance Company contended that the order passed by the tribunal is well considered and needs no interference of this Court and hence, prayed to dismiss the appeal.

6. Having regard to the facts and circumstances of the case and on perusal of the material available on record, as per Ex.A.9-medical certificate, the claimant received three grievous injuries and that the tribunal granted Rs.5,000/- for each injury, which is meager and as the injuries are grievous in nature, this Court feels that granting another Rs.10,000/- for each injury and Rs.3,000/- towards extra-nourishment is just and proper. Thus, the claimant is entitled for total compensation of Rs.1,26,000/- (Rs.45,000/- (Rs.15,000/- x 3) + Rs.3,000/- + Rs. 48,000/- + Rs.30,000/-). The enhanced compensation shall carry interest @ 7.5% per annum. The claimant is permitted to withdraw the deposited amount soon after the deposit is made. The respondents are directed to deposit the compensation amount within three months from the date of judgment.

7. In view of the above, MACMA is partly allowed. There shall be no order as to costs.

Miscellaneous Petitions, if any, shall stand closed.

T.AMARNATH GOUD,J

Dated 27.11.2019
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