

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.2510 OF 2006

JUDGMENT:

Appellant-claimant filed this appeal against the Judgment and Decree dated 09.02.2004 in O.P.No.128 of 2001 on the file of the I Additional Chief Judge, City Civil Court at Hyderabad (for short, the trial Court), whereunder the trial Court granted an amount of Rs.70,500/- towards compensation along with interest @ 9% per annum, as against the claim of Rs.4,50,000/- on account of the injuries sustained by the appellant in the motor vehicle accident occurred on 21.09.2001.

2. The manner of accident and the injuries sustained by the appellant-claimant are not in dispute and the appellant challenged the impugned award only on the quantum of compensation awarded by the trial Court. Therefore, this Court is not inclined to go into other details other than the quantum of compensation.

3. Learned counsel for the appellant would submit that the trial Court erroneously granted meager compensation for the injuries sustained by the appellant and sought to enhance the same.

4. Sri N.J.Sunil Kumar, learned Standing Counsel for the second respondent-Insurance Company, would submit that the trial Court passed a well reasoned order by appreciating the evidence adduced before it and sought to dismiss the appeal.

5. In the accident, the appellant sustained fracture to his left femur apart from other bleeding cut injuries as is evident from the documentary evidence. The trial Court held that according to the evidence of P.W.3, the doctor, who treated the appellant, the appellant suffered 35% disability, which is partial and

permanent one, under Ex.A.8. The trial Court recorded the admission made by P.W.3 that X-ray dated 19-08-2003 shows that there is inter trochantric fracture to the femur, united radiologically with DHS Plate inside, and accordingly, awarded an amount of Rs.5,000/- towards future medical expenses, which, in the opinion of this Court, is meager. Taking into consideration the oral as well as the documentary evidence, this Court is of the view that the amount awarded towards future medical expenses may be enhanced from Rs.5,000/- to Rs.25,000/-. The amount awarded by the trial Court under all other heads remains unchanged. Thus, in toto, the amount of compensation is enhanced from Rs.70,500/- to Rs.90,500/-.

7. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed enhancing the compensation amount awarded by the trial Court from Rs.70,500/- to Rs.90,500/-. The enhanced amount shall carry interest @ 7.5% per annum. Miscellaneous petitions pending, if any, shall stand closed. No costs.

Date:13-11-2019

GJ

T.AMARNATH GOUD, J