

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 3527 OF 2005

JUDGMENT:

This appeal is directed against the award dated 16.10.2002 passed by the Chief Judge, City Civil Court, Hyderabad (for short 'the Tribunal), in O.P.No.320 of 2000 whereby the Tribunal awarded compensation of Rs.47,000/- on account of the injuries caused in a motor vehicle accident that occurred on 25.01.2000 at about 2.00 p.m, when the injured and his relatives viz. Satyanarayana and Smt Laxmi were proceeding on their scooter bearing No.AP 22A 2982 from Sangareddy to Jogipet and when they reached near Choutkur Village limits, one Oil tanker bearing No.GJ 1U 6421 came from opposite direction in a rash and negligent manner and hit the scooter, for which they fell down and sustained injuries and the scooter was also damaged completely and then they shifted to Gandhi Hospital.

2. For the sake of convenience, the parties herein are referred to as arrayed before the tribunal.

3. Being dissatisfied with the quantum of award passed by the Tribunal, as against the claim of Rs.1,50,000/-, the injured filed this appeal seeking enhancement of compensation contending that the tribunal erred in awarding Rs.1,500/- towards loss of earnings as the appellant is an electrician and earning Rs.4,500/- per month, that the tribunal erred in rejecting evidence of PW.2-doctor and Ex.A.8-certificate issued by PW.2, who opined that the

disability is 35% and that the compensation granted by the tribunal is meager on all heads. It is also represented that the tribunal awarded Rs.47,000/- which is very meager.

4 It is the contention of the insurance company that Ex.A.8-disability certificate has been rejected rightly by the tribunal holding that PW.2 - doctor, who has not treated the injured. Further, the injured has not obtained any certificate from the hospitals, where he treated.

5. A perusal of the award of the tribunal, the injured was initially got treated in Gandhi Hospital for a day and later admitted on 21.06.2000 in Vijayalaxmi Nursing Home and treated as inpatient for a period of 20 days. There are two fracture injuries i.e. one to the leg and another to the hand (forearm), POP fixation was made.

6. There is no dispute with regard to the manner of accident and involvement of the vehicle. As per the award, the tribunal granted Rs.6,000/- towards loss of earnings for three months bed rest due to injuries, Rs.1000/- towards transport to hospital for 20 days, Rs.15,000/- towards medicines, Rs.22,000/- towards special damages, Rs.15,000/- towards pain and suffering, Rs.10,000/- towards disability for a short period, Rs.25,000/- towards general damages. Thus, the injured is entitled for Rs.94,000/- towards compensation. But the tribunal awarded only a sum of Rs.47,000/-. In all other aspects, the award passed by the tribunal holds good.

7. In view of the above, the appeal is allowed-in-part granting compensation of Rs.94,000/- with interest @ 9% per annum from the date of petition till the date of realization. Both the respondents are directed to deposit the award amount within three months from the date of judgment. On such deposit the injured is entitled to withdraw the same. There shall be no order as to costs.

Miscellaneous petitions if any, shall stand closed.

Date: 30.08.2019
kvrn

T.AMARNATH GOUD,J

