

HONOURABLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.1928 of 2006

JUDGMENT:

This appeal is filed by the injured claimant under Section 173 of the Motor Vehicles Act aggrieved by the orders passed by the Motor Accidents Claims Tribunal-cum-VII Additional District Judge (FTC), Nizamabad at Bodhan (for short 'the Tribunal) in M.V.O.P.No.375 of 2001 dated 02.03.2005, 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 15.12.1999 at about 03.00 PM the appellant-injured claimant was returning from his fields with D.B. cart and when he reached near Dog Bunglow situated at Timmapoor Shivar, one scooter bearing No.AP-25-E-9299, which was driven by its driver in a rash and negligent manner, dashed the injured claimant, due to which he sustained grievous injuries. Immediately, he was shifted to Government Hospital, Nizamabad and later he was admitted in Pragathi Nursing Home, Nizamabad and treated as inpatient from 15-12-1999 to 02-01-2000 and incurred Rs.60,000/- towards his treatment. According to the claimant, he was earning Rs.5,000/- per month by attending agricultural works and his claim was for Rs.1,50,000/-.

4. The Tribunal has examined PWs.1 & 2 on behalf of the claimant and marked Exs.A1 to A11 and on behalf of the respondents, RW.1 was examined and Ex.B1 policy was marked.

The Tribunal after framing the issues dismissed the case of the claimant holding that the claimant injured has failed to prove the accident took place on 15.12.1999 due to rash and negligent driving of the scooter bearing No.AP-25-E-9299 and in the said accident claimant sustained injuries. Aggrieved by the same, the present appeal is preferred by the injured claimant.

5. 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.

6. Though the Tribunal has examined PW.2 and marked Ex.A8-disability certificate, it has rightly disbelieved the contention of PW.2 and also the disability certificate issued by him.

7. With regard to the accident, which is said to have been occurred on 15.12.1999, Ex.A1 which was issued on 19.12.1999 clearly indicates that the complainant-wife of the claimant was accompanied the claimant in the hospital and thereafter she came to the police station and lodged the complaint on 19.12.1999 and thus the delay. As verified by Ex.A3-charge sheet, it clearly indicates upon investigation that the accident has taken place. In view of Exs.A1-FIR & A.2-injury certificate, the injury to the leg of the claimant cannot be doubted.

8. In view of the same, this Court considers that there is injury on the leg of the claimant in pursuance of the accident and

thus this Court feels that awarding a sum of Rs.10,000/- under the heads of medical expenses, pain and suffering and extra nourishment etc., is just and reasonable compensation.

9. Accordingly and in the result, this Appeal is allowed by awarding an amount of Rs.10,000/- with interest at 7.5% per annum from the date of petition till the date of realization and the order of the Tribunal is set aside. No costs.

Miscellaneous petitions if any shall stand closed.

Date: 17.10.2019
ska

T.AMARNATH GOUD, J

