

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.3591 OF 2005

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Order and Decree dated 14.06.2004 passed in O.P.No.468 of 2000 by the IV Additional District & Sessions Judge, Fast Track Court, R.R. District, at L.B. Nagar (for short, the Court below).

2. For the sake of convenience, the parties are hereinafter referred to as they were arrayed before the Court below in the original petition.

3. The brief facts of the case are that on 25.02.2000, the petitioner along with other relatives were traveling in a car bearing No.AP 22A 1594, to go to Chandranpally, Madgul Mandal, from Medpally Village. When the said car reached near Tammaloniguda Village on Sagar Road at about 7.45 p.m., one lorry bearing No.AP 28T 7456 came in opposite direction in high speed, rash and negligent manner with a towed lorry and dashed to the petitioner's car, due to which the petitioner and other persons, who traveled in the car received severe bleeding injuries and the car also damaged. The petitioner received injuries of fracture of hip joint, injury of right eye and other multiple injuries all over the body. Prior to the accident, the petitioner is hale and healthy and doing agriculture work and earning Rs.3,000/- per month. Due the said accident, the

petitioner lost his earnings and he spent huge amount towards medical treatment. Hence, the petitioner filed the claim petition claiming compensation of Rs.1,00,000/-, payable by both the respondents jointly and severally, being the owner and insurer of the offending lorry.

4. Before the Court below, respondent Nos.1 & 2 filed separate counters denying the averments of the claim petition and contended that the amount claimed is excessive and prayed to dismiss the claim petition.

5. After considering the oral evidence of P.W.1 and R.W.1 and the documentary evidence of Exs.A-1 to A-3, the Court below came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the offending lorry and awarded total compensation of Rs.26,000/- i.e., Rs.20,000/- towards fracture of nasal bone, Rs.3,000/- towards medical expenses & Rs.3,000/- towards loss of earnings, with interest @ 9% per annum from the date of petition till the date of payment, payable by both the respondents. Dissatisfied with the quantum of compensation, the appellant filed the present appeal, seeking enhancement of the same.

6. Heard Sri T.Viswarupa Chary, learned counsel for the appellant and Sri G.Sudhakar Reddy, learned counsel for the 1st respondent and Smt. V.Durga, learned standing counsel for

the 2nd respondent/insurance company. Perused the material available on record.

7. Sri T.Viswarupa Chary, learned counsel for the appellant contends that the compensation amount awarded by the Court below is very meager, since the Court below has not granted any amount towards transportation charges and extra nourishment and prayed to allow the appeal.

8. In the facts and circumstances of the case and the submissions made by the learned counsel for the appellant, this Court feels that it would be just and appropriate to enhance the compensation under various heads as follows:

Sl. No.	Name of Head	Awarded by Court below	Awarded by this Court
01.	Fracture of Nasal Bone	Rs.20,000/-	Rs.25,000/-
02.	Medical Expenses	Rs.3,000/-	Rs.3,000/-
03.	Loss of earnings	Rs.3,000/-	Rs.3,000/-
04.	Transportation charges	-	Rs.5,000/-
05.	Extra Nourishment	-	Rs.2,000/-
TOTAL		Rs.26,000/-	Rs.38,000/-

Except the said enhancement, the rest of the order of the Court below remains un-changed.

9. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed enhancing the compensation amount awarded by the Court below from Rs.26,000/- to Rs.38,000/- payable by both the respondents jointly and severally. The enhanced amount shall carry interest @ 7.5% per annum from

the date of petition till realization. The respondents are directed to deposit the enhanced amount along with proportionate costs and interest within two (02) months from the date of receipt of a copy of this order. On such deposit, the appellant is permitted to withdraw the entire amount. No costs.

Miscellaneous petitions pending, if any, shall stand closed.

T.AMARNATH GOUD, J

Date: 26th November, 2019

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