

OTHE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.720 OF 2012

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Order and Decree dated 25.07.2011 passed in O.P.No.23 of 2006 by the Motor Accidents Claims Tribunal (II Additional District Judge) at Nizamabad (for short, the Tribunal).

2. The brief facts of the case are that on 5.6.2005 at about 7.30 P.M., while the appellant was traveling as a pillion rider on the motor cycle bearing No.AP25J 5113, the accident occurred on account of rash and negligent driving of the rider of the motor cycle with high speed and the motor cycle dashed to one Teddu Rajubai, who is crossing the main road in Mamidipally village. Due to the accident, the petitioner fell down on the road and sustained multiple and grievous injuries all over the body. He filed the aforesaid MVOP against the owner (respondent No.1) and insurer of the motor cycle (respondent No.2) claiming compensation of Rs.2,00,000/- for the injuries sustained by him.

3. Before the Tribunal, respondents 1 and 2 filed their separate counters denying the averments of the claim petition and contended that the amount claimed is excessive and prayed to dismiss the claim petition.

4. After considering the oral and documentary evidence on record, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the rider of the motor cycle and awarded compensation of Rs.49,000/- with

interest @ 7.5% per annum. Dissatisfied with the quantum of compensation, the appellant filed the present appeal, seeking enhancement of the same.

5. Heard.

6. As seen from the records, the injuries sustained by the appellant are (1) fracture, dislocation of right shoulder, (2) fracture of left foot first metacarpal bone and (3) abrasion on the left fore arm. Out of the above three injuries, injury Nos.1 and 2 are grievous in nature and injury No.3 is simple. The appellant being a milk vendor, he cannot perform his business with the said injuries and obviously he suffered pain and lost earnings at least for a period of one month and therefore, he is entitled for additional compensation of Rs.5,000.- towards loss of pain and suffering and for loss of earnings for a period of month, a notional amount of Rs.5,000/-. Except the above modification, the award passed by the Tribunal remains unchanged.

7. Accordingly the appeal is partly allowed to the extent indicated above. Miscellaneous petitions pending if any shall stand closed. No order as to costs.

T.AMARNATH GOUD, J

Date: 21.06.2019
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