

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA. No.3785 of 2005

JUDGMENT:

This appeal is preferred by the appellant/claimant, against the order dated 14.06.2004 passed in O.P. No.472 of 2000 by the IV Additional District and Sessions Judge, Fast Track Court, R.R. District at L.B.Nagar.

Brief facts of the case are that on 25.02.2000, the claimant, along with other relatives were traveling in a car bearing No.AP 22A 1594, to go to Chandranpally, Madgul Mandal from Tammaloniguda village on Sagar road. At about 7.45 pm., 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 claimant's car, due to which claimant and others, who were traveling in the car, received severe bleeding injuries and the car also damaged. The claimant received injury to his right eye and other multiple injuries all over his body. Hence, he filed the claim petition against the respondents claiming an amount of Rs.1,00,000/- towards compensation.

The Court below on 14.06.2004, while taking into consideration the aspects urged before it from either side and the evidence, oral and documentary, it allowed the claim petition in part awarding compensation Rs.6,000/- towards compensation with interest at the rate of 9% per annum from

the date of petition till date of payment. Having not satisfied with the said compensation, claimant preferred the present appeal on the ground that the amount granted by the Court below is very meager and needs fresh consideration.

From a perusal of the impugned order, it is clear that the Court below while holding that the accident took place due to rash and negligent driving of the driver of the offending lorry awarded an amount of Rs.6,000/- towards compensation with interest at the rate of 9% per annum.

Since it is categorically found by the Court below that the accident occurred due to rash and negligent driving of the driver of the offending lorry wherein the claimant sustained injuries and as per Ex.A.3 he sustained fracture to his right jaw for which the claimant claimed an amount of Rs.1,00,000/- towards compensation and the Court below had granted only Rs.6,000/-, which in my opinion is very meager and the same needs to be enhanced.

Accordingly, an amount of Rs.15,000/- is awarded towards fractures in place of Rs.6,000/-, Rs.500/- towards transportation and Rs.2,000/- towards extra nourishment. Total awarded compensation is Rs.17,500/-, which is enhanced from Rs.6,000/-. Enhanced compensation shall carry interest at the rate of 7.5% from the date of award till its realisation.

Accordingly, this appeal is allowed in part. There shall be no order as to costs.

As a sequel, miscellaneous applications, if any pending, shall stand closed.

JUSTICE T.AMARNATH GOUD

Date: 26.11.2019

LSK

