

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.95 OF 2015

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the order and decree dated 19-10-2013 passed in O.P.No.524 of 2012 by the Chairman, Motor Vehicles Accidents Claims Tribunal-cum-I Additional District Judge, Nalgonda (for short, the Tribunal).

2. The brief facts of the case are that on 9.4.2012 at about 4.00 PM., while the petitioner was attending coolie work at Are Lingamma agriculture field at Polenigudem village for harvesting paddy crop with the help of a harvester and while cutting paddy near the field boundaries, the driver of the harvester bearing No.AP15AH 9002 drove the same in a rash and negligent manner and dashed the petitioner. As a result of which, the petitioner received serious injuries and fractures and was shifted to Vasanthi Ortho Care at Kodad for treatment. The claimant filed the above O.P., claiming compensation of Rs.5,00,000/- for the injuries sustained by him.

3. The first respondent remained ex parate and the second respondent filed a counter denying the allegations made in the claim petition *inter alia* contending that the amount of compensation claimed by the petitioner is excessive,

exorbitant, imaginary and out of proportion and sought to dismiss the petition.

4. During the course of trial, the petitioner examined P.Ws.1 to 3 and got marked Exs.A1 to A8. On behalf of the respondents, no oral evidence was adduced, but Ex.B1 copy of insurance policy was marked.

5. After considering the material on record and the evidence adduced by the parties, the Tribunal allowed the O.P. in part and awarded an amount of Rs.3,60,000/- with interest at 7.5% p.a. from the date of petition till the date of realization payable by the respondents 1 and 2 jointly and severally. Being aggrieved by the quantum of compensation awarded by the Tribunal, the petitioner/claimant preferred the present appeal.

6. Heard Smt.T.Ambika learned counsel appearing on behalf of Sri T.Vishwarupa Chary, learned counsel for the appellant and the learned standing counsel appearing for the second respondent.

7. The Tribunal has passed a well considered order and needs no interference as the claimant has not filed any proof in support of his income. However, it cannot be denied that the petitioner sustained serious injuries to his legs and underwent surgeries on three occasions and was bed ridden

and also sustained 30% disability as certified by the orthopedic surgeon Pw.2. The Tribunal has awarded a sum of Rs.5,000/- towards food and extra nourishment. This Court feels that in view of the fact that the appellant underwent surgeries on three occasions, an amount of Rs.15,000/- is granted towards pain and suffering and an amount of Rs.20,000/- is granted towards food and extra nourishment. Except the above modification, the award passed by the Tribunal remains unchanged.

9. 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: 21-01-2019.
Shr