

HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.2595 of 2006

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Order and Decree dated 25-08-2006 passed in O.P.No.171 of 2005 by the Chairman, M.A.C.T.-cum-V Additional District Judge (F.T.C.), Ranga Reddy District at L.B.Nagar. (for short, the Tribunal).

2. Brief facts of the case are that the claimant filed the claim petition against the respondents claiming compensation of Rs.1.50 lakhs for the injuries sustained by him in the accident occurred on 07-02-2004 due to the rash and negligent driving of the driver of the auto bearing No.AP 28 U 4174, driven by its driver when he is proceeding on his motorcycle bearing No.AP 28 7057 from Laxminarayanpur to Tandur.

3. In the claim petition, both the respondents filed their 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 on the part of the driver of the crime vehicle and accordingly, granted an amount of Rs.45,000/- i.e. Rs.15,000/- towards grievous injuries; Rs.5,000/- towards treatment;

Rs.16,000/- towards medical bills and Rs.9,000/- towards loss of income, payable by the respondents jointly and severally, with interest at 7.5% per annum through out.

5. Dissatisfied with the quantum of compensation, the appellant/claimant filed the present appeal, seeking for enhancement of the compensation.

6. Heard the learned counsel for the appellant-claimant and the learned Standing Counsel for 2nd respondent.

7. Learned counsel for the appellant-claimant contends that the Tribunal erred in awarding meager compensation of Rs.15,000/- towards injuries sustained by the claimant and ignored granting compensating for extra-nourishment, transportation and attendant charges etc. Hence, he prayed for fair compensation.

8. As seen from the material available on record, the Tribunal has granted Rs.15,000/- towards injuries. In my considered view, this amount is meager and the same is to be enhanced since admittedly, the claimant suffered two grievous fractures and one simple injury. Therefore, granting Rs.15,000/- for facial injury, Rs.25,000/- for fracture injury and Rs.2,000/- for knee injury is just and proper. Further, the claimant is also entitled to be granted Rs.3,000/- towards extra-nourishment; Rs.2,000/- towards transportation and Rs.3,500/- towards attendant charges for a period of five weeks at the rate of Rs.100/- per day.

9. Except the above modification, the compensation granted by the Tribunal i.e. Rs.5,000/- towards pain and suffering; Rs.16,000/- towards medical bills and Rs.9,000/- towards loss of income shall remain unchanged.

10. Accordingly, the claimant is granted total compensation of Rs.80,500/- (i.e. Rs.15,000/- (+) Rs.25,000/- (+) Rs.2,000/- (+) Rs.3,000/- (+) Rs.2,000/- (+) Rs.3,500/- (+) Rs.5,000/- (+) Rs.16,000/- (+) Rs.9,000/-)

11. In the result, the appeal is allowed in part by enhancing the compensation awarded by the Tribunal from Rs.45,000/- to Rs.80,500/- (Rupees Eighty Thousand and Five Hundred only). The enhanced amount of compensation shall carry interest at 7.5% per annum. The respondents are directed to deposit the enhanced amount along with proportionate costs and interest within two months from the date of receipt of a copy of this order. On such deposit, the appellant/claimant is permitted to withdraw the entire amount. No costs.

12. Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE T.AMARNATH GOUD

Date: 07.11.2019

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