

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.3371 OF 2019

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Order and Decree dated 07.10.2016 passed in O.P.No.333 of 2015 by the Chairman (Motor Accidents Claims Tribunal), III Additional District Judge, Asifabad (for short, the Tribunal).

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

3. The brief facts of the case are that the petitioner was aged about 22 years, student and tutor, earning Rs.6,000/- per month. On 05.10.2013, when he was proceeding on motor cycle bearing No.AP 01-AD-8046 as pillion rider, along with his friend Bhargva, who is riding it, from Bellampalli to Mancherial, at about 11.00 p.m., when it reached near Darga at outskirts of Mandamarri, a Tavera vehicle bearing No.AP-28-KV-9448 came there in the opposite direction, driven in a rash and negligent manner with high speed and dashed against the motor cycle, as a result the petitioner and his friend fell down on the road and sustained injuries and the petitioner sustained fracture to left hand and other injuries to all over the body, that immediately he was taken to Government Hospital, Mancherial, that after first aid, he was referred to private hospital and he was admitted in Laxmi Badrakali Hospital, Karimnagar, as inpatient on 06.10.2013 and discharged on 08.10.2013, that he underwent

several tests and spent Rs.1,00,000/- towards treatment and medical expenses, that Rs.10,000/- towards transportation charges, that due to injuries, he suffered pain and agony. Hence, the petitioner filed the claim petition claiming compensation of Rs.2,00,000/-, payable by all the respondents, i.e., the 1st respondent being the driver, 2nd respondent being the present owner, 3rd respondent being the past owner and the 4th respondent being the insurer of the offending Tavera vehicle.

4. Before the Tribunal, all the respondents 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 the documentary evidence of Exs.A-1 to A-14, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the Tavera vehicle and awarded total compensation of Rs.80,650/- i.e., Rs.25,000/- towards pain & suffering, Rs.33,650/- towards medical expenses, Rs.10,000/- towards attendant charges and Rs.12,000/- towards loss of earnings for a period of four (04) months @ Rs.3,000/- per month, with interest @ 9% per annum from the date of petition till the date of realisation, payable by respondents 1, 2 & 4 and the petition against the 3rd respondent is dismissed. Dissatisfied with the quantum of compensation,

the appellant filed the present appeal, seeking enhancement of the same.

6. Heard. Perused the material record.

7. Admittedly, though it is stated in the claim petition that the claimant was earning Rs.6,000/- per month by giving tuitions, but the Tribunal has taken only Rs.3,000/- per month for a period of four (04) months as loss of earnings, which is very less. Therefore, this Court feels that it would be just and proper if an amount of Rs.6,000/- per month is taken into consideration. Therefore, the total loss of earnings comes to Rs.24,000/- (Rs.6,000/- x 4 months). As per Ex.A-2, the petitioner has sustained fracture to left hand besides a simple injury. Under the head of simple injury, the Tribunal has not granted any amount. Therefore, this Court feels that it would be just and proper if an amount of Rs.2,000/- is awarded towards simple injury. Except the said enhancement, rest of the award remains un-changed.

8. Hence, the total compensation under various heads is as follows:

Sl.No.	Name of Head	Awarded by Tribunal	Awarded by this Court
01.	Pain & suffering	Rs.25,000/-	Rs.25,000/-
02.	Medical expenses	Rs.33,650/-	Rs.33,650/-
03.	Attendant charges	Rs.10,000/-	Rs.10,000/-
04.	Loss of earnings	Rs.12,000/-	Rs.24,000/-
05.	Simple injury	---	Rs.2,000/-
TOTAL		Rs.80,650/-	Rs.94,650/-

9. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed by enhancing the compensation amount awarded by the Tribunal from Rs.80,650/- to Rs.94,650/-, payable by respondent Nos.1, 2 & 4 jointly and severally. The enhanced amount shall carry interest @ 7.5% per annum from the date of petition till the date of realization. The respondent Nos.1, 2 & 4 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. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in this appeal shall stand disposed of.

T.AMARNATH GOUD, J

Date: 19th December, 2019

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