

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA. No.3160 of 2009

JUDGMENT:

This appeal is preferred by the appellant/claimant, against the order dated 14.06.2004 passed in O.P. No.469 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 Medpally village. When the said car was reached near 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 injuries of fracture of right hand, cheek injury and other multiple injuries all of her body. Hence, she 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 adduced, oral and documentary, it allowed the claim petition in part awarding compensation Rs.38,000/-

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 and enhancement of compensation.

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.38,000/- towards compensation with interest at the rate of 9% per annum.

The learned counsel for the appellant submitted that the compensation awarded by the Court below, under various heads, is very meager and needs enhancement. It is obvious from the impugned award that after taking into consideration the grievous injury and four simple injuries, as per Ex.A3 and injury No.5 is fracture in lower end of radius it awarded an amount of $\text{Rs.}20,000 + 12,000 + 3,000 + 3,000 = 38,000/-$ towards injuries, medical, other expenses and pain and suffering, respectively. Hence, this Court feels that the Court below had rightly awarded the compensation. But, however, the claimant can be awarded an amount of Rs.2,000/- towards extra nourishment and Rs.500/- towards transportation. Accordingly, the same are awarded. The compensation awarded to the claimant is enhanced from Rs.38,000/- to

Rs.40,500/-. 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

