

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 1242 OF 2006

JUDGMENT:

This appeal is directed by the claimant against the award dated 27.12.2005 by the III Additional Metropolitan Sessions Judge-cum-XVII Additional Chief Judge, Nampally, Hyderabad (for short 'the Tribunal), in O.P.No.1061 of 2001, whereby the tribunal granted compensation of Rs.26,800/- in a motor vehicle accident that occurred on 08.01.2001 at about 11.30 a.m. while the petitioner was traveling in an auto rickshaw bearing No. AP 28 U 2332 to go to Shamshabad, near Gaganpahad village, a Maruthi Zen car bearing No. AP 21 A 8008 came from Shamshabad side in a rash and negligent manner at high speed, dashed the auto, for which the petitioner and other passengers including the driver received serious injuries and fracture, they were shifted to Sri Raghavendra Hospital, Rajendranagar for treatment and that the petitioner was admitted as in-patient and that the petitioner sustained fracture of right fore arm laceration on left hand and other serious injuries all over the body and that the petitioner was hale and healthy and was doing embroidery work apart from tailoring in her home at the time of accident and that the petitioner suffered permanent disability and was unable to do her tailoring and embroidery work, as against the claim of Rs.1,50,000/-, seeking enhancement.

3. For the sake of convenience, the parties herein are referred to as arrayed in the tribunal.

4. Respondent No.1 remained exparte. Respondent No.2 filed counter denying the claim petition.

5. In order to prove the case of the claimant, PWs.1 and 2 were examined and marked Exs.A1 to A.4 and Ex.X.1 – original case sheet and also marked Ex.B.1 copy of insurance policy certificate. No oral evidence is adduced on behalf of the respondents.

6. It is a case of injuries i.e. fracture to right fore arm and also other lacerated wound over her body. Basing on the material available on record, the tribunal allowed the appeal in part. The award passed by the tribunal in granting Rs.26,800/- (Rs.15,000/- + Rs.2,000/- + Rs.4,800/- + Rs.1,000/- + Rs.500/- + Rs.500/- + Rs.2,000/- + Rs.1,000/- is well considered in all aspects and needs no interference of this Court. However, with regard to the loss of income, the tribunal considered the income of the petitioner only as Rs.1,000/- per month and granted Rs.2,000/- for two months. As the petitioner is doing embroidery and tailoring, her income can be taken as Rs.2,500/- per month. In view of the same, the petitioner is entitled for Rs.5,000/- for two months income. Thus, the petitioner is entitled for a sum of Rs.29,800/- (Rs.15,000/- + Rs.5,000/- + Rs.4,800/- + Rs.1,000/- Rs.500/- + Rs.500/- + Rs.2,000/- + Rs.1,000/-). The enhanced compensation amount shall carry interest @ 7.5% per annum from the date of petition till the date of realization. Respondents are directed to deposit the compensation amount jointly and severally within three months from the date of petition till the date of realization.

7. In view of the above, the appeal is allowed in part. There shall be no order as to costs.

Miscellaneous petitions if any, shall stand closed.

T.AMARNATH GOUD,J

Date: 17-10-2019
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