

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.1971 OF 2006

JUDGMENT:

This appeal is preferred by the appellant/2nd respondent/insurance company questioning the order of the Motor Vehicles Accidents Claims Tribunal-cum-III Additional Chief Judge, City Civil Courts, at Hyderabad (for short, the Tribunal) in O.P.No.1832 of 2001 dated 28.02.2006.

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 on 15.11.2000 while the petitioner was proceeding on his scooter bearing No.AP 28D 7079 from his factory towards Chintal, a lorry bearing No.AP 10T 9342 came in opposite direction in a rash and negligent manner with high speed and dashed the petitioner's vehicle. As a result, the petitioner fell down and sustained compound comminuted fracture of shaft tibia (left) and other multiple injuries all over the body. Immediately, he was shifted to the CDR Hospital, Hyderabad, for treatment wherein he was treated as inpatient from 15.11.2000 to 20.03.2001 under Jeevandata Scheme. The petitioner is still undergoing treatment. He spent Rs.1,90,000/- for his treatment. He is suffering from pain and permanent disability. At the time of the accident, the petitioner was an employee in Choice Tools India Private Limited, Raghurampur Colony, Jeedimetla, Ranga Reddy District, and working as EDM Operator. He used to draw

Rs.4,100/- per month as salary. Because of the permanent disability sustained by him, he was removed from his services. Thus, he lost his livelihood. The 1st respondent is the owner and the 2nd respondent is the insurer of the offending vehicle. Hence, the petitioner filed the claim petition claiming a compensation of Rs.12,00,000/- with interest @ 18% per annum from the date of petition till the date of realization and costs, payable by both the respondents.

4. In the claim petition, the 1st respondent remained *ex parte*. The 2nd respondent filed a counter denying the allegations and contended that the amount claimed by the claimants is highly excessive and that it is not liable to pay any compensation and therefore prayed to dismiss the claim petition.

5. 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 of the driver of the crime vehicle and awarded total compensation of Rs.3,72,201.20 Ps., which is rounded off to Rs.3,72,500/- with interest @ 6% per annum i.e., Rs.35,000/- towards pain & suffering, Rs.1,46,264.20 Ps. towards medical expenses and treatment, Rs.1,20,937/- towards loss of income, Rs.50,000/- towards loss of amenities of life, Rs.5,000/- towards compensation for expenses to engage the services of an assistant, and Rs.15,000/- towards expenses for traveling as well as extra nourishment. Aggrieved by the said

order, the appellant/2nd respondent/insurance company filed the present appeal.

6. Heard.

7. A perusal of the order reveals that the Tribunal passed a well considered order by taking into consideration all the aspects and as against the claim of Rs.12,00,000/-, the Tribunal awarded an amount of Rs.3,72,500/- with interest @ 6% per annum. The Tribunal has well considered the expenses towards pain and suffering, medical expenses and treatment, loss of income, loss of amenities of life, compensation for expenses to engage the service of an assistant and expenses for traveling as well as extra nourishment and accordingly awarded the said amount. Therefore, I see no reason to interfere with the order of the Tribunal and the appeal is liable to be dismissed.

8. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand dismissed.

T.AMARNATH GOUD, J

Date: 31st October, 2019

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