

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

CMA NO. 3959 OF 2004

JUDGMENT:

This appeal is directed by the injured claimant against the order dated 25.02.2003 passed by the Motor Accidents Claims Tribunal-cum-Additional District Judge, Adilabad (for short 'the Tribunal'), in O.P.No.972 of 1999, whereby the Tribunal awarded compensation of Rs.68,807/- with interest at 9% per annum from the date of petition till the date of realization, on account of the injuries caused in a motor vehicle accident that occurred on 02.04.1999 at about 11.00 a.m. while the petitioner and his brother proceeding on a scooter bearing No. AP 1 A 6533 to go to Srirampur from Suddala Village, and when they reached near Pedda Kalvala Village near Adarsh Ice Factory, one jeep bearing No. AP 15 U 2313 driven by its driver with high speed and in rash and negligent manner came in the opposite direction and gave dash to the scooter, due to which, the petitioner fell down and received fracture of both legs and head injury, as against the claim of Rs.2,00,000/-.

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

3. Learned counsel for the appellant/claimant contended that the tribunal erred in granting total compensation amount though the claimant himself examined as PW.1 and marked Exs.A.1 to A.12 to support his case that the injured received one grievous

injury out of four injuries and permanent disability and prayed to allow the appeal.

4. Admittedly, there is no dispute with regard to the manner of accident, involvement of vehicle as per Ex.A.2- charge sheet and policy issued by the insurance company and its validity as per Ex.A.4. Having regard to the facts and circumstances of the case, as per Ex.A.6 – analysis reports of Dr L.V.Prasad Eye Hospital the injured sutured for wound on the left temple region apart from blackening of the eye, which effected in vision. Therefore, this Court feels that the claimant is entitled for Rs.5,000/- towards pain and suffering and future medical expenses for treatment of eye. Further as per Ex.A.3- medical certificate, the injured was admitted in the hospital at the time of accident for a period of seven days and thereafter, for a period of 15 days and considering the fact that the injured taken rest for some more time, Rs.7,000/- was granted towards loss of earnings for one month. In all other aspects, the order of the tribunal holds good. Thus, the claimant is entitled for total compensation of Rs.80,807/- (Rs.68,807/- + Rs.5,000/- + Rs.7,000/-), which is rounded off to Rs.81,000/- (Rupees eighty one thousand only).

5. In the result, CMA is allowed in part as indicated above. There shall be no order as to costs.

Miscellaneous petitions if any, shall stand closed.

T.AMARNATH GOUD,J

Date: 27.08.2019
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