

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.265 OF 2011

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Order and Decree dated 14.08.2006 passed in O.P.No.450 of 2004 by the Motor Vehicle Accidents Claims (VI Additional District Judge) (FTC), Nizamabad at Kamareddy (for short, the Tribunal).

2. The brief facts of the case are that on 29.12.2001, while the appellant was traveling in RTC bus bearing No.AP09Z 5056 from Yellareddy to Advilingala Village, and when the bus reached near Jeevadan School in the limits of Gandimasanipet Village at about 1.00 pm., the driver of the bus drove it in a rash and negligent manner at high speed on the wrong side of the road and lost his control and dashed a lorry bearing No.AP25T 1419 which was on its left side of the road. In the said accident, the appellant sustained multiple injuries. He filed aforesaid MVOP against the respondents-RTC claiming compensation of Rs.1,00,000/- for the injuries sustained by him.

3. Before the Tribunal, the respondents-RTC filed its counter denying the averments of the claim petition and contended that the amount claimed is excessive and prayed to dismiss the claim petition.

4. 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

RTC bus and awarded compensation of Rs.5,000/- i.e., Rs.3,000/- towards one simple injury and Rs.2,000/- towards pain and suffering with interest @ 9% per annum. Dissatisfied with the quantum of compensation, the appellant filed the present appeal, seeking enhancement of the same.

5. Heard.

6. Before the Tribunal, the appellant got examined as P.W.1 and marked Exs.A.1 to A.3 on her behalf. Ex.A.3 is the wound certificate, which reveals that the appellant sustained one simple injury to left side of chest over 3rd, 4th, 5th ribs and the X-ray shows contusion of 1" x 2" bone tenderness. Hence, this Court feels that the amount awarded by the Tribunal is unjust and it would be just and reasonable to grant a sum of Rs.10,000/- towards injuries, Rs.10,000/- towards pain and suffering and Rs.5,000/- towards extra nourishment.

7. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed by enhancing the compensation amount awarded by the Tribunal from Rs.5,000/- to Rs.25,000/-. The enhanced amount shall carry interest @ 7.5% per annum. Miscellaneous petitions pending, if any, shall stand closed. No costs.

T.AMARNATH GOUD, J

Date: 13.06.2019
TJMR