

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 1791 OF 2006

JUDGMENT:

This appeal is directed by the claimant against the award dated 02.05.2006 by the Motor Accidents Claims Tribunal (III Additional District Judge) (FTC) at Nizamabad (for short 'the Tribunal'), in O.P.No.274 of 2001, whereby the Tribunal granted compensation of Rs.23,000/-.

2. The facts of the case are that on 13.09.2000, while the 1st petitioner was traveling in APSRTC bus as a passenger from Nizamabad to Hyderabad, at about 3:45 p.m, the driver of the bus at a high speed in a rash and negligent manner dashed the lorry coming from Hyderabad, due to which the 1st petitioner sustained injuries to both bones of left forearm, over forehead and grievous injuries on the scalp. During the pendency of the petition, the 1st petitioner died. The 1st petitioner mentions that he has incurred Rs.3,00,000/- towards medical expenses. Prior to accident, the 1st petitioner was earning Rs.2,000/- p.m by running a petty kirana shop and doing agriculture and sought for a compensation of Rs.1,50,000/-.

3. The Tribunal after considering the evidence and material available on record has awarded Rs.23,000/- as compensation with interest @ 7.5% per annum from the date of petition till the date of realization as against the claim of Rs.1,50,000/-. Aggrieved thereby, the appellant/claimant filed the present appeal seeking enhancement.

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

5. Respondent Nos. 3 and 4 were set ex-parte.

6. In order to prove the case of the claimant, PW.1 and PW.2 were examined and Exs.A.1 to A.6 were marked. For respondents 1 and 2, R.W.1 is examined and for the 4th respondent R.W.2 is examined and marked Ex.B.1- copy of insurance policy.

7. Admittedly, during the pendency of the appeal, the petitioner died and his legal representatives were brought on record. The Tribunal, while awarding the compensation under different heads denied the benefit under the head of pain and suffering to the petitioner, which this Court feels as unjust. If the petitioner was alive, he was entitled for compensation under the head of pain and suffering for the injuries sustained by him. Since the Tribunal has not awarded any amount under the head of pain and suffering, this Court feels that the amount of Rs.23,000/- awarded by the Tribunal is meager and needs to be enhanced and accordingly, under the head of pain and suffering an amount of Rs.15,000/- is awarded. The enhanced compensation 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 within three months.

8. In view of the above, the appeal is allowed to the extent indicated above and the findings of the rest of the order remains unchanged. There shall be no order as to costs.

Miscellaneous petitions if any, shall stand closed.

T.AMARNATH GOUD,J

Date: 19-11-2019
dv

