

HONOURABLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.1902 of 2006

JUDGMENT:

This appeal is filed by the injured claimant under Section 173 of the Motor Vehicles Act aggrieved by the orders passed by the Chairman, Motor Vehicle Accidents Claims Tribunal (District Court), Warangal (for short 'the Tribunal') in M.V.O.P.No.310 of 2003 dated 07.05.2004, for the injuries sustained by him.

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

3. The brief facts of the case are that on 19.07.2002 at about 06.30 PM while the appellant-injured claimant was coming from the hospital and when he reached in front of Pothana Telephone Bhavan, Warangal, one TVS XL bearing No.AP-36-H-3012, which was driven by its driver in a rash and negligent manner, dashed the claimant, due to which he sustained multiple injuries and he was treated at Apple Hospital, Warangal and thereafter shifted to MGM Hospital, Warangal and later to Hyderabad and spent huge money for his treatment.

4. The Tribunal has examined PWs.1 & 2 on behalf of the claimant and marked Exs.A1 to A4 and on behalf of the respondents, none were examined and no documents were marked. The Tribunal after framing the issues, allowed in part the claim of the claimant by awarding the compensation of Rs.5,000/- against the claim of Rs.1,15,000/-.

5. Aggrieved by the meager amount awarded by the Tribunal, the claimant preferred the present appeal with the contentions that the court below ought to have awarded the amount as claimed by

the claimant and sought for enhancement of the amount by allowing the appeal.

6. Learned counsel for the 2nd respondent-insurance company contended that the award of the Tribunal is well considered one and it requires no interference and sought for dismissal of the appeal.

7. The claimant has suffered 2 simple injuries i.e., nasal blunt and another black eye right side on the face of the claimant. Though the medical bills Ex.A4 showing the bills and discharge summary from Kamineni Hospital is filed before the Tribunal, same were not taken note of.

8. In view of the same, the bills have been verified by this Court and this Court considers as per the discharge summary the sum of Rs.22,610/- towards medical bills and Rs.1,965/- for transport charges as just compensation.

9. Accordingly and in the result, this Appeal is allowed by enhancing the amount awarded by the Tribunal to Rs.24,575/- from Rs.5,000/-. The enhanced amount shall carry rate of interest at 7.5% per annum from the date of petition till the date of realization. No costs.

Miscellaneous petitions if any shall stand closed.

T.AMARNATH GOUD, J

Date: 17.10.2019
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