

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.3589 OF 2011

JUDGMENT:

This appeal is preferred by the appellant/petitioner/claimant seeking enhancement of compensation amount of Rs.7,04,000/- as against the amount of Rs.96,000/- awarded by the Motor Accidents Claims Tribunal (District Judge), Nizamabad (for short, the Tribunal), in O.P.No.898 of 2000, dated 25.07.2005.

2. For the sake of convenience, the parties hereinafter are referred to as they were arrayed before the Tribunal in the Original Petition.

3. The brief facts of the case are that on 18.01.2000, while the petitioner was travelling in the lorry bearing No.AP-25/T-8447 from Hyderabad to Nagpur on Highway No.7 and the driver of the lorry was driving the vehicle very slowly on the side of the road, at about 10:00 A.M., when the vehicle reached near Kuprial Bus Stage, another lorry bearing No.MP-09/KB-4224 driven by its driver at high speed in a rash and negligent manner came from opposite direction on wrong side of the road and dashed against the lorry in which the petitioner was traveling, due to which the petitioner, along with others, received fracture injuries to right hand shoulder, right arm, back bone, both legs, head and other parts of the body. The petitioner was admitted in the Government

Hospital, Kamareddy, and thereafter was shifted to Gandhi Hospital, Secunderabad. Petitioner was treated by Dr. T. Narsing Rao, Orthopedic surgeon, at Tirumala Orthopedic Hospital, Nizamabad, where her right hand was operated and rod was inserted and she incurred Rs.3,80,000/- for her treatment. The petitioner was working as labourer and earning Rs.6,000/- per month. But, due to the injuries received in the accident, she is unable to move from the bed, cannot walk and work and she became dependent on others and got permanent disability. The petitioner filed the claim petition claiming compensation of Rs.8,00,000/-, on account of grievous injuries received by her, payable by respondents 1 and 2, being the owner and insurer of the offending lorry.

4. Before the Tribunal, respondent No.1 – owner of the lorry remained *ex parte* and respondent No.2 – Insurance Company filed its counter denying the averments of the claim petition and contended that the accident was not reported by the owner of the lorry; the petitioner did not make driver of the offending lorry as party to the petition and 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 on the strength of the evidence of P.W.1

and Exs.A-1 to A-13, Ex.B-1 and Ex.X1, the Tribunal awarded total compensation of Rs.96,000/- payable by both the respondents jointly and severally with proportionate costs and interest at 9% per annum from the date of petition till the date of realization. Aggrieved by the said order, the appellant/petitioner/claimant filed the present appeal seeking enhancement of compensation.

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.8,00,000/- which was very excessive, awarded an amount of Rs.96,000/- with proportionate costs and interest at 9% per annum. 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 confirming the award and decree passed by the Tribunal in all respects, including the rate of interest. No order as to costs. Miscellaneous petitions pending, if any, shall stand dismissed.

T.AMARNATH GOUD, J

Date:19.11.2019

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