

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.2142 OF 2006

JUDGMENT:

This appeal is preferred by the appellant/petitioner/claimant questioning the order of the Motor Accident Claims Tribunal (II Additional District Judge) (Fast Track Court), Nizamabad (for short, the Tribunal) in O.P.No.1070 of 2003 dated 02.05.2006.

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

3. The brief facts of the case are that on 04.05.2003 the petitioner along with one Jagadish were travelling in an auto bearing No.AP 25U 3264 from Anksapur Village to Metpally, driven by said Jagadish in a slow and cautious manner. About 10.00 a.m., when they reached Morthad Village Shivar, a jeep bearing No.AP 25U 2450, driven by its driver in a rash and negligent manner at high speed came from behind and gave dash to the auto in which they were travelling, due to which the petitioner and said Jagadish also sustained injuries. The petitioner sustained fracture of right knee joint and injuries on right temporal region, right ankle joint, right elbow and on other parts of the body. Immediately after the accident, the petitioner was shifted to M.J. Hospital, Armour, where he was treated as inpatient and operation was conducted. Sofar the petitioner incurred an expenditure of more than Rs.2,00,000/- towards

treatment. Prior to the accident, the petitioner was hale and healthy and was doing toddy tapping work and also vegetable business and earning Rs.6,000/- per month. The accident took place due to the rash and negligent driving of the offending vehicle. Due to the injuries received in the said accident, the petitioner is unable to attend to his work and his future earnings are effected. Hence, the petitioner filed the claim petition claiming compensation of Rs.3,00,000/-, payable by both the respondents, being the owner and insurer of the offending vehicle.

4. In the claim petition, both the respondents filed separate written statements denying the allegations and contended that the amount claimed by the claimant is highly excessive and that they are not liable to pay any compensation and therefore prayed to dismiss the claim petition.

5. After considering the oral evidence of P.Ws.1 & 2 and documentary evidence of Exs.A-1 to A-9, 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 awarded total compensation of Rs.40,000/-, i.e., Rs.25,000/- towards fracture injuries, Rs.5,000/- towards treatment expenditure, Rs.5,000/- towards medicines and Rs.5,000/- towards extra nourishment and transportation, with interest @ 7.5% per annum from the date of petition till the date of realization, payable by both the respondents jointly and severally.

Dissatisfied with the quantum of compensation, the appellant/petitioner/claimant filed the present appeal, seeking enhancement of the same.

6. Heard Sri Y.S.Yellanand Gupta, learned counsel for the appellant and Smt. I.Maamu Vani, learned standing counsel for the 2nd respondent/insurance company. Perused the material record.

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.3,00,000/-, the Tribunal awarded an amount of Rs.40,000/- with proportionate costs and interest @ 7.5% 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: 21st November, 2019

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